

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 70*
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Short Title: Obsolete School Laws.

(Public)

Sponsors: Senators Lucas, Winner, Lee, Dannelly, Hartsell, Perdue; and Shaw of Cumberland.

Referred to: Education/Higher Education.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO
3 TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR
4 HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO
5 CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE
6 REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT
7 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE
8 CONFORMING CHANGES.

9 The General Assembly of North Carolina enacts:

10 **SCHOOL IMPROVEMENT AND ACCOUNTABILITY REPORT.**

11 Section 1. G.S. 115C-15 is repealed.

12 **REPORT ON CLASS SIZE WAIVERS.**

13 Section 2. G.S. 115C-21.1 is repealed.

14 **ALCOHOL AND DRUG DEFENSE PROGRAM.**

15 Section 3. G.S. 115C-22 is repealed.

16 **OBSERVANCE OF SPECIAL DAYS.**

17 Section 4. G.S. 115C-83 is repealed.

EXPENDITURE OF FUNDS.

Section 5. G.S. 115C-102.8 is repealed.

REGIONAL EDUCATIONAL TRAINING CENTERS.

Section 6. Part 4 of Article 9 of Chapter 115C of the General Statutes is repealed.

DEPARTMENTAL REQUESTS.

Section 7. G.S. 115C-144 is repealed.

PROJECT GENESIS PROGRAM.

Section 8. Part 6 of Article 16 of Chapter 115C of the General Statutes is repealed.

COLLEGES ASSIST TEACHERS IN CERTIFICATION.

Section 9. G.S. 115C-298 is repealed.

PERSONNEL ADMINISTRATION COMMISSION.

Section 10. Part 4 of Article 22 of Chapter 115C of the General Statutes is repealed.

STATE POLICY.

Section 11. G.S. 115C-472 is repealed.

STATE SCHOOLS OF HEARING-IMPAIRED CHILDREN.

Section 12. Part 7 of Article 9 of Chapter 115C of the General Statutes, G.S. 115C-123 through G.S. 115C-126.1, is recodified as Part 30 of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-216.40 through G.S. 143B-216.44.

GOVERNOR MOREHEAD SCHOOL.

Section 13. (a) Part 8 of Article 9 of Chapter 115C of the General Statutes, G.S. 115C-127 through G.S. 115C-133, is recodified as Part 9A of Article 3 of Chapter 143B of the General Statutes, G.S. 143B-164.10 and G.S. 143B-164.13 through G.S. 143B-164.17.

(b) G.S. 143B-176.1 is recodified as G.S. 143B-164.11 in Part 9A of Article 3 of Chapter 143B of the General Statutes.

(c) G.S. 143B-176.2 is recodified as G.S. 143B-164.12 in Part 9A of Article 3 of Chapter 143B of the General Statutes.

(d) The remainder of Part 12A of Article 3 of Chapter 143B of the General Statutes is repealed.

SCHOOL SYSTEM DEFINED AND ORGANIZED.

Section 14. (a) G.S. 115C-74 reads as rewritten:

"§115C-74. School system defined.

The school system of each local school administrative unit shall consist of kindergarten and 12 years of study or grades, —instruction or grade levels, and shall be graded on the basis of a school year of not less than nine months. ~~The system may be organized in one or two ways as follows: The first eight grades shall be styled the elementary school and the remaining four grades, the high school; or if more practicable, a junior high school may be formed by combining the first year of high school with both the seventh and eighth grades or with the eighth grade alone, and a senior high school which shall comprise the last three years of high school work. For purposes of Title V of the National Defense Education~~

1 ~~Act of 1958 (Public Law 85-864) the term "secondary school" shall be applicable to grades seven~~
2 ~~through 12. The State Board of Education may make recommendations concerning the~~
3 ~~classification or organization of the years of instruction or grade levels; however, each~~
4 ~~local board of education may organize schools comprised of whatever years of instruction~~
5 ~~or grade levels that it considers appropriate. To the extent State funds are appropriated~~
6 ~~for this purpose or federal, local, or private funds are available, local boards of education~~
7 ~~may operate early childhood education programs for children younger than kindergarten~~
8 ~~age and may charge tuition for these programs."~~

9 (b) G.S. 115C-75 is repealed.

10 (c) G.S. 115C-5 is amended by adding the following new subsections to read:

11 "(d1) 'Elementary school' means any school that has any of the first five years of
12 instruction or grade levels and that may have a kindergarten or other years of instruction
13 or grade levels.

14 (d2) 'High school' or 'senior high school' means any school that has at least the last
15 three years of instruction and that offers at least the minimum high school course of study
16 prescribed by the State Board.

17 (f1) 'Middle school' or 'junior high school' means any school that has any
18 combination of the sixth through ninth years of instruction or grade levels.

19 (g1) 'Secondary school' means any middle school, junior high school, high school,
20 or senior high school.

21 (k) 'Union school' means any school that has 12 years of instruction or grade levels
22 and that may have a kindergarten."

23 **CENTRAL ORPHANAGE.**

24 Section 15. Part 9 of Article 9 of Chapter 115C of the General Statutes is
25 repealed. This repeal shall not impair the continuing existence of any corporation
26 established under Chapter 47, Private Laws of 1887, and continued under Part 9 of
27 Article 9 of Chapter 115C of the General Statutes.

28 **STATE BOARD OF EDUCATION REPORTS**

29 Section 16. (a) G.S. 115C-12 is amended by adding the following new subdivision
30 to read:

31 "(25) Duty to Report to Joint Legislative Education Oversight Committee. –
32 Upon the request of the Joint Legislative Education Oversight
33 Committee, the State Board shall examine and evaluate issues,
34 programs, policies, and fiscal information, and shall make reports to that
35 Committee. Furthermore, beginning October 15, 1997, and annually
36 thereafter, the State Board shall submit reports to that Committee
37 regarding the continued implementation of Chapter 716 of the 1995
38 Session Laws, 1996 Regular Session. Each report shall include
39 information regarding the composition and activity of assistance teams,
40 schools that received incentive awards, schools identified as low-
41 performing, school improvement plans found to significantly improve
42 student performance, personnel actions taken in low-performing

1 schools, and recommendations for additional legislation to improve
2 student performance and increase local flexibility."

3 (b) Article 12H of Chapter 120 of the General Statutes is amended by adding the
4 following new section:

5 **"§ 120-70.83. Additional powers.**

6 The Joint Legislative Education Oversight Committee, while in discharge of official
7 duties, shall have access to any paper or document, and may compel the attendance of
8 any State official or employee before the Committee or secure any evidence under G.S.
9 120.19. In addition, G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings
10 of the Committee as if it were a joint committee of the General Assembly."

11 (c) G.S. 115C-12(9) reads as rewritten:

12 "(9) Miscellaneous Powers and Duties. – All the powers and duties exercised
13 by the State Board of Education shall be in conformity with the
14 Constitution and subject to such laws as may be enacted from time to
15 time by the General Assembly. Among such duties are:

- 16 a. To certify and regulate the grade and salary of teachers and other
17 school employees.
18 b. To adopt and supply textbooks.
19 c. To adopt rules requiring all local boards of education to
20 implement the Basic Education Program on an incremental basis
21 within funds appropriated for that purpose by the General
22 Assembly and by units of local government. Beginning with the
23 1991-92 school year, the rules shall require each local school
24 administrative unit to implement fully the standard course of
25 study in every school in the State in accordance with the Basic
26 Education Program so that every student in the State shall have
27 equal access to the curriculum as provided in the Basic Education
28 Program and the standard course of study.

29 The Board shall establish benchmarks by which to measure
30 the progress that each local board of education has made in
31 implementing the Basic Education Program. ~~The Board shall~~
32 ~~report to the Joint Legislative Education Oversight Committee and to~~
33 ~~the General Assembly by December 31, 1991, and by February 1 of~~
34 ~~each subsequent year on each local board's progress in implementing~~
35 ~~the Basic Education Program, including the use of State and local~~
36 ~~funds for the Basic Education Program.~~

37 The Board shall develop a State accreditation program that
38 meets or exceeds the standards and requirements of the Basic
39 Education Program. The Board shall require each local school
40 administrative unit to comply with the State accreditation
41 program to the extent that funds have been made available to the
42 local school administrative unit for implementation of the Basic
43 Education Program.

1 The Board shall use the State accreditation program to
2 monitor the implementation of the Basic Education Program.

- 3 c1. To issue an annual 'report card' for the State and for each local
4 school administrative unit, assessing each unit's efforts to
5 improve student performance based on the growth in
6 performance of the students in each school and taking into
7 account progress over the previous years' level of performance
8 and the State's performance in comparison with other states. This
9 assessment shall take into account factors that have been shown
10 to affect student performance and that the State Board considers
11 relevant to assess the State's efforts to improve student
12 performance.
- 13 c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716,
14 s. 1.
- 15 c3. To develop a system of school building improvement reports for
16 each school building. The purpose of school building
17 improvement reports is to measure improvement in the growth in
18 student performance at each school building from year to year,
19 not to compare school buildings. The Board shall include in the
20 building reports any factors shown to affect student performance
21 that the Board considers relevant to assess a school's efforts to
22 improve student performance. Local school administrative units
23 shall produce and make public their school building
24 improvement reports by March 15, 1997, for the 1995-96 school
25 year, by October 15, 1997, for the 1996-97 school year, and
26 annually thereafter. Each report shall be based on building-level
27 data for the prior school year.
- 28 c4. To develop guidelines, procedures, and rules to establish,
29 implement, and enforce the School-Based Management and
30 Accountability Program under Article 8B of this Chapter in order
31 to improve student performance, increase local flexibility and
32 control, and promote economy and efficiency.
- 33 d. To formulate rules and regulations for the enforcement of the
34 compulsory attendance law.
- 35 e. To manage and operate a system of insurance for public school
36 property, as provided in Article 38 of this Chapter.

37 In making substantial policy changes in administration,
38 curriculum, or programs the Board should conduct hearings
39 throughout the regions of the State, whenever feasible, in order
40 that the public may be heard regarding these matters."

41 (d) G.S. 115C-12(16) reads as rewritten:

42 "(16) Power with Regard to Salary Schedules. – The Board shall provide for
43 sick leave with pay for all public school employees in accordance with

1 the provisions of this Chapter and shall promulgate rules and regulations
2 providing for necessary substitutes on account of sick leave and other
3 teacher absences.

4 a. Support personnel refers to all public school employees who are
5 not required by statute or regulation to be certified in order to be
6 employed. The State Board of Education is authorized and
7 empowered to adopt all necessary rules for full implementation
8 of all schedules to the extent that State funds are made available
9 for support personnel.

10 b. Salary schedules for the following public school support
11 personnel shall be adopted by the State Board of Education:
12 school finance officer, office support personnel, teacher
13 assistants, maintenance supervisors, custodial personnel, and
14 transportation personnel. The Board shall classify these support
15 positions in terms of uniform pay grades included in the salary
16 schedule of the State Personnel Commission.

17 By the end of the third payroll period of the 1995-96 fiscal
18 year, local boards of education shall place State-allotted office
19 support personnel, teacher assistants, and custodial personnel on
20 the salary schedule adopted by the State Board of Education so
21 that the average salary paid is the State-allotted amount for the
22 category. In placing employees on the salary schedule, the local
23 board shall consider the education, training, and experience of
24 each employee. It is the intent of the General Assembly that a
25 local school administrative unit not fail to employ an employee
26 who was employed for the prior school year in order to
27 implement the provisions of this sub-subdivision. A local board
28 of education is in compliance with this sub-subdivision if the
29 average salary paid is at least ninety-five percent (95%) of the
30 State-allotted amount for the category at the end of the third
31 payroll period of the 1995-96 fiscal year, and at least ninety-eight
32 percent (98%) of the State-allotted amount for the category at the
33 end of the third payroll period of each subsequent fiscal year.
34 The Department of Public Instruction shall provide technical
35 assistance to local school administrative units regarding the
36 implementation of this sub-subdivision.

37 ~~The State Board of Education shall report to the General~~
38 ~~Assembly, prior to March 31, 1995, and March 31, 1996, on the~~
39 ~~implementation of this sub-subdivision.~~

40 c. Salary schedules for other support personnel, including but not
41 limited to maintenance and school food service personnel, shall
42 be adopted by the State Board of Education. The Board shall
43 classify these support positions in terms of uniform pay grades

1 included in the salary schedule of the State Personnel
2 Commission. These schedules shall apply if the local board of
3 education does not adopt a salary schedule of its own for
4 personnel paid from other than State appropriations."

5 (e) Effective July 1, 1999, G.S. 115C-12(24) reads as rewritten:

6 "(24) Duty to Develop Guidelines for Alternative Learning Programs, Provide
7 Technical Assistance on Implementation of Programs, and Evaluate
8 Programs. – The State Board of Education shall adopt guidelines for
9 assigning students to alternative learning programs. These guidelines
10 shall include (i) a description of the programs and services that are
11 recommended to be provided in alternative learning programs and (ii) a
12 process for ensuring that an assignment is appropriate for the student
13 and that the student's parents are involved in the decision.

14 The State Board of Education shall provide technical support to local
15 school administrative units to assist them in developing and
16 implementing plans for alternative learning programs.

17 The State Board shall evaluate the effectiveness of alternative
18 learning programs and, in its discretion, of any other programs funded
19 from the Alternative Schools/At-Risk Student allotment. Local school
20 administrative units shall report to the State Board of Education on how
21 funds in the Alternative Schools/At-Risk Student allotment are spent
22 and shall otherwise cooperate with the State Board of Education in
23 evaluating the alternative learning programs. ~~The State Board of
24 Education shall report annually to the Joint Legislative Education Oversight
25 Committee, beginning in December 1996, on the results of this evaluation."~~

26 (f) G.S. 115C-81(a) reads as rewritten:

27 "(a) The General Assembly believes that all children can learn. It is the intent of the
28 General Assembly that the mission of the public school community is to challenge with
29 high expectations each child to learn, to achieve, and to fulfill his or her potential. With
30 that mission as its guide, the State Board of Education shall adopt a Basic Education
31 Program for the public schools of the State. Before it adopts or revises the Basic
32 Education Program, the State Board shall consult with an Advisory Committee, including
33 at least eight members of local boards of education, that the State Board appoints from a
34 list of nominees submitted by the North Carolina School Boards Association. ~~The State
35 Board shall report annually to the General Assembly on any changes it has made in the program
36 in the preceding 12 months and any changes it is considering for the next 12 months.~~

37 The State Board shall implement the Basic Education Program within funds
38 appropriated for that purpose by the General Assembly and by units of local government.
39 It is the intent of the General Assembly that until the Basic Education Program is fully
40 funded, the implementation of the Basic Education Program shall be the focus of State
41 educational funding. It is the goal of the General Assembly that the Basic Education
42 Program be fully funded and completely operational in each local school administrative
43 unit by July 1, 1995.

1 It is further a goal of the General Assembly to provide supplemental funds to low-
2 wealth counties to allow those counties to enhance the instructional program and student
3 achievement."

4 (g) Effective July 1, 1999, Section 8.5(a) of Chapter 716 of the 1995 Session
5 Laws, 1996 Regular Session, is repealed.

6 (h) Section 29(b) of Chapter 716 of the 1995 Session Laws, 1996 Regular
7 Session, is repealed.

8 (i) Effective July 1, 1999, G.S. 115C-238.29I reads as rewritten:

9 **"§ 115C-238.29I. Notice of the charter school process; review of charter schools;
10 Charter School Advisory Committee.**

11 (a) The State Board of Education shall distribute information announcing the
12 availability of the charter school process described in this Part to each local school
13 administrative unit and public postsecondary educational institution and, through press
14 releases, to each major newspaper in the State.

15 ~~(b) The State Board of Education shall report annually to the Joint Legislative
16 Education Oversight Committee and the Joint Legislative Commission on Governmental
17 Operations the following information:~~

18 ~~(1) The current and projected impact of charter schools on the delivery of
19 services by the public schools;~~

20 ~~(2) Student academic progress in the charter schools as measured, where
21 available, against the academic year immediately preceding the first
22 academic year of the charter schools' operation; and~~

23 ~~(3) Best practices resulting from charter school operations.~~

24 ~~The State Board of Education shall base its report in part upon the annual reports
25 submitted by the charter schools under G.S. 115C-238.29F(f)(3). To the extent possible,
26 the State Board of Education shall present the information in disaggregated form relative
27 to the race, gender, grade level, and economic condition of the students.~~

28 (c) The State Board of Education shall review the educational effectiveness of
29 the charter school approach authorized under this Part and the effect of charter schools on
30 the public schools in the local school administrative unit in which the charter schools are
31 located and, not later than January 1, 1999, shall report to the Joint Legislative Education
32 Oversight Committee with recommendations to modify, expand, or terminate that approach.
33 Analysis of the reports submitted under subsection (b) of this section shall be the predominant
34 factor in determining whether the number of charter schools shall be increased and the conditions
35 under which any increase or continued operation shall be allowed. If the analysis indicates
36 demonstrable, substantial success, the General Assembly shall consider expanding the number of
37 charter schools that may be established. located.

38 (d) The State Board of Education may establish a Charter School Advisory
39 Committee to assist with the implementation of this Part. The Charter School Advisory
40 Committee may (i) provide technical assistance to chartering entities or to potential
41 applicants, (ii) review applications for preliminary approval, (iii) make recommendations
42 as to whether the State Board should approve applications for charter schools, (iv) make
43 recommendations as to whether the State Board should terminate or not renew a contract,

1 (v) make recommendations concerning grievances between a charter school and its
2 chartering entity, (vi) assist with the review under subsection (c) of this section, and (vii)
3 provide any other assistance as may be required by the State Board."

4 (j) G.S. 115C-238.33(b) is repealed.

5 (k) G.S. 115C-102.7 reads as rewritten:

6 "**§ 115C-102.7. Monitoring and evaluation of State and local school system**
7 **technology plans; reports.**

8 (a) The Commission shall monitor and evaluate the development and
9 implementation of the State and local school system technology plans. The evaluation
10 shall consider the effects of technology on student learning, the effects of technology on
11 students' workforce readiness, the effects of technology on teacher productivity, and the
12 cost-effectiveness of the technology. ~~The Commission shall report in October of each year to~~
13 ~~the State Board of Education, the Joint Legislative Commission on Governmental Operations,~~
14 ~~and the Joint Legislative Education Oversight Committee on the development and the~~
15 ~~implementation of State and local school system technology plans.~~

16 ~~(a1) The Joint Legislative Commission on Governmental Operations and the Joint~~
17 ~~Legislative Education Oversight Committee may meet jointly to consider reports from~~
18 ~~the Commission on School Technology and they may appoint subcommittees to jointly~~
19 ~~consider the reports.~~

20 (b) The Commission shall provide notice of meetings, copies of minutes, and
21 periodic briefings to the chair of the Information Resources Management Commission
22 and the chair of the Technical Committee of the Information Resources Management
23 Commission."

24 (l) G.S. 115C-415 is repealed.

25 (m) G.S. 115C-472.5(d) reads as rewritten:

26 "(d) The Department of Public Instruction shall report to the Information Resource
27 Management Commission, ~~the Joint Legislative Commission on Governmental~~
28 ~~Operations, the Fiscal Research Division, and the State Government Performance Audit~~
29 ~~Committee Commission~~ on an annual basis on all loans made from the fund."

30 **EFFECTIVE DATE.**

31 Section 17. This act is effective when it becomes law.