

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

2

HOUSE BILL 284\*  
Committee Substitute Favorable 4/19/93

Short Title: School Administration Standards Board.

(Public)

Sponsors:

Referred to:

February 25, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE EDUCATIONAL  
3 LEADERSHIP TASK FORCE AND THE JOINT LEGISLATIVE EDUCATION  
4 OVERSIGHT COMMITTEE TO ESTABLISH AN INDEPENDENT  
5 STANDARDS BOARD FOR SCHOOL ADMINISTRATION AND TO ALLOW  
6 THAT BOARD TO CHARGE EXAMINATION FEES.

7 Whereas, the Educational Leadership Task Force established by the 1991  
8 General Assembly has completed its work and reported to the Joint Legislative  
9 Education Oversight Committee of the General Assembly; and

10 Whereas, the Joint Legislative Education Oversight Committee approved the  
11 recommendations of the Educational Leadership Task Force for submission to the  
12 General Assembly; and

13 Whereas, the Educational Leadership Task Force recommended and the Joint  
14 Legislative Education Oversight Committee found that the establishment of an  
15 independent professional standards board for school administrators will improve the  
16 practice of school administration; Now, therefore,  
17 The General Assembly of North Carolina enacts:

18 Section 1. Chapter 115C of the General Statutes is amended by adding a new  
19 Article to read:

20 **"ARTICLE 19A.**  
21 **"PROFESSIONAL STANDARDS BOARD FOR SCHOOL ADMINISTRATORS.**  
22 **"§ 115C-290.1. Purpose.**

1 As the profession of school administration significantly affects the lives of the  
2 people of this State, it is the purpose of this Article to protect the public by setting high  
3 standards for the qualification, training, and experience for those who seek to represent  
4 themselves to the public as qualified school administrators.

5 **"§ 115C-290.2. Definitions.**

6 The following definitions apply in this Article:

- 7 (1) Board. – The North Carolina Standards Board for School  
8 Administration.  
9 (2) Exam. – The North Carolina School Administrator Exam.  
10 (3) School administrator. – Public school superintendents, deputy  
11 superintendents, associate superintendents, assistant superintendents,  
12 principals, assistant principals, and central office program directors.

13 **"§ 115C-290.3. Prohibitions.**

14 Except as otherwise provided in this Article, it is unlawful for any person who is not  
15 qualified as a school administrator under this Article to represent himself or herself to  
16 be qualified under this Article or hold himself or herself out to the public by any title or  
17 description denoting that he or she is qualified under this Article.

18 **"§ 115C-290.4. North Carolina Standards Board for School Administration;**  
19 **appointments; terms; composition.**

20 (a) There is created the North Carolina Standards Board for School  
21 Administration which shall consist of seven members appointed by the Governor as  
22 follows:

- 23 (1) Two local superintendents currently employed by a local school  
24 administrative unit;  
25 (2) Three principals currently employed by a local school administrative  
26 unit;  
27 (3) One dean of a school of education or a designee; and  
28 (4) One representative of the public at large.

29 Composition of the Board as to the race and sex of its members shall reflect the  
30 composition of the population of the State. At all times, members of the Board shall be  
31 residents of the State, and with the exception of the public representative, shall be  
32 qualified by the Board under this Article and actively engaged in the practice of school  
33 administration or in the education and training of students in school administration.  
34 Before their appointment to the Board, professional members of the Board must have  
35 been actively engaged in the practice of school administration or in the education and  
36 training of students in school administration for at least three years, of which at least  
37 two years occurred primarily in this State.

38 (b) The Governor may only remove a member of the Board for neglect of duty,  
39 malfeasance, or conviction of a felony or other crime of moral turpitude.

40 (c) Effective July 1, 1993, the Governor shall appoint one superintendent, two  
41 principals, and the dean of a school of education for terms of three years, and one  
42 superintendent, one principal, and the representative of the public for terms of two  
43 years. Thereafter the terms shall be for three years. Each term of service on the Board  
44 shall expire on the 30th day of June of the year in which the term expires. No member

1 shall serve more than two consecutive three-year terms. As the term of a member  
2 expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs  
3 for any other reason, for the remainder of the unexpired term.

4 (d) Members of the Board shall receive compensation for their services and  
5 reimbursement for expenses incurred in the performance of duties required by this  
6 Article, at the rates prescribed in G.S. 93B-5.

7 (e) The Board shall elect from its membership a chairperson, a vice-chairperson,  
8 and a secretary-treasurer, and adopt rules to govern its proceedings. All members are  
9 voting members, and a majority of the membership constitutes a quorum.

10 (f) The Board may employ, subject to Chapter 126 of the General Statutes, the  
11 necessary personnel for the performance of its functions, and fix their compensation  
12 within the limits of funds available to the Board.

13 (g) Notwithstanding G.S. 93B-7, the Governor may provide office space to the  
14 Board.

15 **"§ 115C-290.5. Powers and duties of the Board; development of the North**  
16 **Carolina School Administrator Exam.**

17 (a) The Board shall:

18 (1) Administer and enforce this Article.

19 (2) Establish reasonable standards for school administrator qualifications.  
20 However, the Board shall not have the power to withhold approval of  
21 study or training courses offered by a college or university having a  
22 school administrator program approved by the Board of Governors of  
23 The University of North Carolina.

24 (3) Develop and implement a North Carolina School Administrator Exam,  
25 based on the professional standards established by the Board.

26 (4) Examine and pass on the qualifications of all persons applying to sit  
27 for the exam.

28 (5) Notify the State Board of Education of the names and addresses of all  
29 persons who are qualified to be certified as school administrators  
30 under G.S. 115C-290.7.

31 (6) Establish and receive an application fee not to exceed fifty dollars  
32 (\$50.00), and an examination fee not to exceed one hundred fifty  
33 dollars (\$150.00).

34 (7) Maintain accounts of all its receipts, and make expenditures from  
35 Board receipts for any purpose which is reasonable and necessary for  
36 the proper performance of its duties under this Article.

37 (8) Adopt, amend, or rescind rules and forms to carry out the purposes of  
38 this Article.

39 (9) Submit an annual report to the Joint Legislative Education Oversight  
40 Committee of all its official actions during the preceding year, together  
41 with any recommendations and findings regarding improvement of the  
42 profession of school administration.

43 (b) The Board may:

1           (1) Adopt a seal which may be affixed to any documents issued by the  
2           Board.

3           (2) Authorize expenditures considered necessary to carry out this Article  
4           from the fees which the Board collects, but in no event shall  
5           expenditures exceed the revenues of the Board during any fiscal year.

6           (c) The Board is subject to the administrative provisions of Chapter 93B of the  
7           General Statutes.

8           "**§ 115C-290.6. Application for qualification by the Board.**"

9           All individuals who desire to be qualified as a school administrator by the Board and  
10          subsequently certified by the State Board of Education, shall file a written application  
11          with the Board on forms provided by the Board, together with the required application  
12          fee established by the Board.

13          "**§ 115C-290.7. Qualification by the Board.**"

14          (a) The Board shall qualify an individual who:

15               (1) Pays the application fee established by the Board;

16               (2) Pays the examination fee established by the Board;

17               (3) Passes the exam administered by the Board; and

18               (4) Submits evidence that he or she has successfully completed a program  
19               of school administration, and any other evidence considered necessary  
20               by the Board.

21          (b) Upon its qualification of an individual as a school administrator, the Board  
22          shall notify the State Board of Education, which shall not certify the individual as a  
23          school administrator until it receives notice of qualification.

24          "**§ 115C-290.8. Exemption from Article.**"

25          (a) School administrators who are engaged in the practice of school  
26          administration in a North Carolina public school or at a school operated by the United  
27          States government in North Carolina on and before January 1, 1997, are exempt from  
28          this Article.

29          (b) Notwithstanding subsection (a) of this section, any individual who applies for  
30          qualification under this Article is subject to its provisions.

31          "**§ 115C-290.9. Disciplinary procedures.**"

32          The Board may, in accordance with Chapter 150B of the General Statutes, refuse to  
33          qualify for certification by the State Board of Education any person on the following  
34          grounds:

35               (1) Conviction of a misdemeanor under this Article;

36               (2) Conviction of a felony under the laws of the United States or of any  
37               state of the United States;

38               (3) Gross unprofessional conduct, dishonest practice, or incompetence in  
39               the practice of school administration;

40               (4) Procuring or attempting to procure qualification by fraud, deceit, or  
41               misrepresentation;

42               (5) Any fraudulent or dishonest conduct in school administration;

1           (6)    Inability of the person to perform the functions for which he or she  
2                   seeks to be qualified, or substantial impairment of abilities by reason  
3                   of physical or mental disability; or

4           (7)    Violation of any of the provisions of this Article or of any rules of the  
5                   Board.

6    **"§ 115C-290.10. Violation a misdemeanor.**

7           Any person violating any provision of this Article is guilty of a misdemeanor, and  
8           upon conviction may be punishable for the first offense by a fine not exceeding two  
9           hundred dollars (\$200.00), and for each subsequent offense by a fine not to exceed five  
10           hundred dollars (\$500.00), by imprisonment of not more than six months, or by both.

11   **"§ 115C-290.11. Injunction.**

12           The Board may apply to superior court for an injunction to prevent violations of this  
13           Article or of any rules adopted by the Board, and the court may grant an injunction.  
14           The Board shall not be required to post bond in connection with this application."

15           Sec. 2. The North Carolina Standards Board for School Administration  
16 established in Section 1 of this act shall report to the Joint Legislative Education  
17 Oversight Committee no later than March 1, 1994, and annually thereafter concerning  
18 its activities.

19           Sec. 3. Notwithstanding Section 4 of this act, this act shall not become  
20 effective unless sufficient funds are appropriated for this purpose. Nothing in this act  
21 shall require the General Assembly to appropriate any funds to implement it.

22           Sec. 4. G.S. 115C-290.3 and G.S. 115C-290.6 through G.S. 115C-290.11, as  
23 established in Section 1 of this act, become effective January 1, 1997. The remaining  
24 provisions of Article 19A of Chapter 115C, as established in Section 1 of this act, and  
25 the remaining sections of this act are effective upon ratification.