

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1418\*

Short Title: Reporting Changes - Education.

(Public)

Sponsors: Senators Conder, Perdue, Lee, Smith, Hartsell, Ward, and Warren.

Referred to: Education/Higher Education.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO REORGANIZE EDUCATION REPORTS AND TO MAKE  
TECHNICAL CORRECTIONS TO THE EDUCATION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-148(c)(5) reads as rewritten:

"(5) The State Board of Education shall, with the assistance of the Division of Community Schools, report to the General Assembly at the time of its convening on odd-numbered years the use of these funds and shall develop a State plan for the prevention of child abuse and neglect for submission to the Governor, the President of the Senate, and the Speaker of the House no later than January 1, 1987."

Sec. 2. G.S. 115C-21.1 reads as rewritten:

"§ 115C-21.1. ~~Biennial report on civic literacy; other reports.~~ Report on class size waivers.

(a) ~~The State Superintendent of Public Instruction shall submit a biennial report to the General Assembly on the implementation of G.S. 115C-81(g).~~

(b) The Department of Public Instruction shall monitor and provide a report to the General Assembly by May 1, 1991, and annually thereafter showing the school units that have been granted class size waivers pursuant to G.S. 115C-238.6(a), have reported class size exceptions, and have converted State-funded teacher positions to other positions, dollars, or other expenditures."

Sec. 3. G.S. 115C-105.3 reads as rewritten:

"§ 115C-105.3. Purpose.

1 The purpose of the Commission is to develop high and clearly defined education  
2 standards for the public schools of North Carolina. These standards shall specify the  
3 skills and the knowledge that high school graduates should possess in order to be  
4 competitive in the modern economy. The purpose of the Commission is also to develop  
5 fair and valid assessments to assure that high school graduates in North Carolina meet  
6 these standards. No later than the Spring semester of the year 2000, every graduating  
7 high school senior may be required to achieve these standards as a condition for  
8 receiving a diploma.

9 These high standards and assessments shall focus on the key skills needed by  
10 students as they strive to be successful after high school and shall reflect the high  
11 expectations for every student demanded by the State's education mission in G.S. 115C-  
12 81(a), 115C-238.1, and 115C-238.13(a). Once these key skills are identified, parents,  
13 teachers, and the entire school community should be encouraged to help each student  
14 meet the student's fullest potential."

15 Sec. 4. G.S. 115C-105.5 reads as rewritten:

16 "**§ 115C-105.5. Reporting requirements.**

17 (1) No later than July 1, 1994,—1994, and annually thereafter, the  
18 Commission shall provide an initial—a progress report on standards and  
19 assessments—to the General Assembly, the Governor, and the State  
20 Board of Education. This report shall include—include:

21 a. Progress being made on the development of standards,  
22 benchmarks, and related assessments. It shall also include  
23 assessments;

24 b. Recommendations for the education and training of educators to  
25 assist in incorporating standards into existing classrooms.  
26 implement the standards and assessments;

27 c. An estimation of (i) the number of students each year who are  
28 unlikely to achieve at their potential and the cost of the actions  
29 that should be taken to enable these students to achieve at their  
30 potential, and (ii) the number of students who are unlikely to  
31 meet the performance standards for high school graduation each  
32 year and the cost of the actions that should be taken to enable  
33 these students to meet the standards; and

34 d. An implementation schedule that includes field testing of the  
35 assessments, a public awareness campaign, public release of the  
36 assessment data, and the development of designations on  
37 graduation diplomas to reflect a student's achievement in the  
38 standards.

39 (2) No later than July 1, 1996, The—the Commission shall recommend to  
40 the State Board of Education standards and a system of assessments,  
41 and if the State Board adopts the standards and system of assessments,  
42 the Commission and the State Board shall use the following schedule:

- 1 a. ~~In the Spring semester of the 1994-95 school year, a field or~~  
 2 ~~pilot test of the system of assessments shall be given in a~~  
 3 ~~limited number of school units.~~  
 4 b. ~~During the 1994-95 school year, school personnel shall be~~  
 5 ~~educated and trained to implement the system of assessments.~~  
 6 e. ~~During the 1994-95 school year, there shall be a public~~  
 7 ~~awareness campaign regarding the standards and assessments.~~  
 8 d. ~~In the 1995-96 school year, standards shall be implemented in~~  
 9 ~~all school systems, and in the Spring semester of the 1995-96~~  
 10 ~~school year, the assessments shall be administered to all North~~  
 11 ~~Carolina high school seniors and in every local school~~  
 12 ~~administrative unit.~~  
 13 e. ~~In the Spring semester of the 1995-96 school year, the first set~~  
 14 ~~of assessment data shall be released publicly.~~  
 15 f. ~~During the 1995-96 and subsequent school years, appropriate~~  
 16 ~~designations shall be implemented on the diplomas of~~  
 17 ~~graduation to reflect the students' achievement.~~  
 18 g. ~~No later than the Spring semester of the year 2000, every~~  
 19 ~~graduating high school senior shall be required to achieve these~~  
 20 ~~standards as a condition for receiving a diploma.~~  
 21 assessments for the Board's consideration so that by the year 2000 every  
 22 graduating high school senior may be required to achieve these  
 23 standards as a condition for receiving a diploma.  
 24 (3) ~~The Commission shall annually advise the General Assembly, the~~  
 25 ~~Governor, and the State Board of Education on the standards and~~  
 26 ~~assessments. In its report, the Commission shall estimate (i) the~~  
 27 ~~number of students each year who are unlikely to achieve at their~~  
 28 ~~potential and the cost of the actions that should be taken to enable~~  
 29 ~~these students to achieve at their potential, and (ii) the number of~~  
 30 ~~students who are unlikely to meet the performance standards for high~~  
 31 ~~school graduation each year and the cost of the actions that should be~~  
 32 ~~taken to enable these students to meet the standards."~~

33 Sec. 5. G.S. 115C-174.19 is repealed.

34 Sec. 6. G.S. 115C-238.17 reads as rewritten:

35 **"§ 115C-238.17. Annual assessment and reapproval of plans.**

36 (a) ~~Between March 15 and May 15~~ No later than May 31 of each subsequent year  
 37 of the project, the projects shall submit to the Department of Public Instruction any data  
 38 requested by the Department of Public Instruction or the State Board of Education and  
 39 any proposed changes in the projects. ~~No later than May 30 each year, the~~ The  
 40 Department shall review the data and the proposed changes in the plans for the projects  
 41 and shall work with the project sites to assure that the plans carry out the provisions of  
 42 this Part.

43 (b) ~~Between March 15 and June 1~~ of each subsequent year, ~~the~~ The State Board of  
 44 Education shall receive the data requested and the proposed changes in plans for

1 projects from the project sites and shall receive the comments of the Department of  
2 Public Instruction regarding the data and the proposed changes in the projects. The  
3 State Board shall also consider the results of audits and evaluations performed pursuant  
4 to G.S. 115C-238.18.

5 (c) No later than ~~June~~ August 15 of each subsequent year, the State Board of  
6 Education shall reapprove the plans and any changes for the projects, reapprove the  
7 plans and any changes with modifications, or reject the plans.

8 (d) The project sites shall begin implementation immediately of projects  
9 reapproved, or reapproved with modifications, by the State Board."

10 Sec. 7. G.S. 115C-238.7(b) reads as rewritten:

11 "(b) The Task Force shall:

12 (1) Monitor the implementation of the School Improvement and  
13 Accountability Act of 1989, as amended, especially the development  
14 and implementation of building-level plans;

15 (2) Advise the Director of the Task Force on Site-Based Management on  
16 how to provide training and assistance to the public schools so as to  
17 facilitate the implementation of site-based management;

18 (3) Review ~~by September 1, 1992,~~ publications produced by the  
19 Department of Public Instruction on the development and  
20 implementation of building-level plans;

21 (4) Report annually to the General Assembly ~~within the first week of the~~  
22 ~~convening of the 1993 General Assembly and biennially thereafter and the~~  
23 Joint Legislative Education Oversight Committee on the  
24 implementation of site-based management in the public ~~schools.~~  
25 schools on the first Friday in December. This report may contain a  
26 summary of recommendations for changes to any law, rule, and policy  
27 that would improve site-based management."

28 Sec. 8. Section 8 of Chapter 778 of the 1989 Session Laws reads as  
29 rewritten:

30 "~~Sec. 8. The Department of Public State Board of Education shall report prior to May~~  
31 ~~1, 1990, and annually on the first Friday in February thereafter,~~ on the implementation of  
32 the School Improvement and Accountability Act of 1989, to the Joint Legislative  
33 Education Oversight Committee, the chairmen—chairs of the Senate and House of  
34 Representatives committees on education, appropriations, and appropriations on  
35 education."

36 Sec. 9. G.S. 115C-238.24 reads as rewritten:

37 "**§ 115C-238.24. Grants of flexibility by the State Board.**

38 In implementing local projects, local boards need broad decision-making authority  
39 so that local boards and participating school leadership teams can carry out the activities  
40 that meet the needs of students in that particular building. Each participating local  
41 school administrative unit may request from the State Board of Education, with  
42 specificity, those aspects of its project implementation that would be enhanced by  
43 flexibility with regard to statutes, policies, and regulations. Upon the recommendation  
44 of the State Superintendent, the State Board of Education may grant each local school

1 administrative unit such flexibility with regard to Chapter 115C of the General Statutes,  
2 and its policies, and regulations, including the waivers allowed under G.S. 115C-  
3 238.6(a)(1) and (a)(2), as it finds necessary and appropriate to implement a local project  
4 so long as (i) the total amount of State funds expended for the project does not exceed  
5 the amount of State funds available for a school with that average daily membership; (ii)  
6 no health or safety standards relating to schools or school transportation are lowered;  
7 (iii) the State Board of Education does not find as a fact that the flexibility is being  
8 abused; (iv) the provisions of G.S. 115C-325 shall not be waived for any certificated  
9 teacher working in a Genesis school; and (v) the standard course of study is included in  
10 the education program offered to every child in the Genesis school.

11 Article 2A of Chapter 150B of the General Statutes shall not apply to actions by the  
12 State Board of Education when waiving its rules under this subsection.

13 The State Board of Education shall report annually on the first Friday in May on  
14 waivers granted with regard to statutes, policies, and regulations to the Joint Legislative  
15 Education Oversight Committee."

16 Sec. 10. G.S. 115C-325(i)(1) reads as rewritten:

17 "(1) The career teacher and superintendent will each have the right to  
18 designate not more than ~~30~~33 of the ~~121~~132 members of the  
19 Professional Review Committee as not acceptable to the teacher or  
20 superintendent respectively. No person so designated shall be  
21 appointed to the panel. The career teacher shall specify to the  
22 superintendent those Committee members who are not acceptable in  
23 his request for a review of the superintendent's proposed  
24 recommendations provided for in subdivision (h)(3) above. The  
25 superintendent's notice to the Superintendent of Public Instruction  
26 provided for in subdivision (h)(4) above shall contain a list of those  
27 members of the Committee not acceptable to the superintendent and  
28 the teacher respectively. Failure to designate nonacceptable members  
29 in accordance with this subsection shall constitute a waiver of that  
30 right."

31 Sec. 11. G.S. 115C-290.5(a) reads as rewritten:

32 "(a) The Board shall administer this Article. In fulfilling this duty, the Board  
33 shall:

- 34 (1) Develop and implement a North Carolina Public School Administrator  
35 Exam, based on the professional standards established by the Board.
- 36 (2) Establish and collect an application fee not to exceed fifty dollars  
37 (\$50.00), and an exam fee not to exceed one hundred fifty dollars  
38 (\$150.00). Fees collected under this Article shall be credited to the  
39 General Fund as nontax revenue.
- 40 (3) Review the educational achievements of an applicant to take the exam  
41 to determine whether the achievements meet the requirements set by  
42 G.S. 115C-290.7.

- 1 (4) Notify the State Board of Education of the names and addresses of the  
2 persons who passed the exam and are thereby qualified to be certified  
3 as public school administrators by the State Board of Education.  
4 (5) Maintain accounts and records in accordance with the Executive  
5 Budget Act, Article 1 of Chapter 143 of the General Statutes.  
6 (6) Adopt rules in accordance with Chapter 150B of the General Statutes  
7 to implement this Article.  
8 (7) Submit an annual report by ~~March 1~~ December 1 of each year to the  
9 Joint Legislative Education Oversight Committee of its activities  
10 during the preceding year, together with any recommendations and  
11 findings regarding improvement of the profession of public school  
12 administration."

13 Sec. 12. G.S. 116-74.43(b) reads as rewritten:

14 "(b) The State Education Assistance Authority shall forgive the loan if, within six  
15 years after graduation from a school administrator program, the recipient serves for four  
16 years as a school administrator at a North Carolina public school or at a school operated  
17 by the United States government in North Carolina. The SEAA shall also forgive the  
18 loan if it finds that it is impossible for the recipient to work for four years, within ~~to six~~  
19 years after completion of the two-year school administrator program supported by the  
20 scholarship loan at a North Carolina public school, or at a school operated by the United  
21 States government in North Carolina, because of the death or permanent disability of the  
22 recipient. If the recipient repays the scholarship loan by cash payments, all  
23 indebtedness shall be repaid within 10 years after completion of the two-year school  
24 administrator program supported by the scholarship loan."

25 Sec. 13. Section 6 of Chapter 199 of the 1993 Session Laws reads as  
26 rewritten:

27 "Sec. 6. The Board of Governors shall report on the design for the programs and the  
28 proposal process created in accordance with G.S. 116-74.21 to the Joint Legislative  
29 Education Oversight Committee no later than December 1, 1993. Requests for  
30 proposals shall be disseminated to the constituent institutions no later than January 15,  
31 1994. Proposals shall be submitted to the Board of Governors no later than June 1,  
32 1994. The Board of Governors shall then reconvene the panel of experts to screen the  
33 submitted proposals. After its screening, the panel shall make recommendations by  
34 September 1, 1994, to the Board of Governors. The Board of Governors shall choose  
35 the institutions that shall have school administrator programs no later than November 1,  
36 1994.

37 The Board of Governors shall report annually on the implementation of the act no  
38 later than December 1 of each year."

39 Sec. 14. Section 6 of Chapter 880 of the 1991 Session Laws reads as  
40 rewritten:

41 "Sec. 6. The Board of Governors shall coordinate a A-joint report of progress report  
42 made to develop a on the implementation of the system to provide an exchange of  
43 information-information among the public and independent colleges and universities, the  
44 community colleges, and the public schools. The report shall be made to the Joint

1 Legislative Education Oversight Committee no later than February 15, 1993, and  
2 annually thereafter."

3           Sec. 15. Subsection (a) of Section 139 of Chapter 321 of the 1993 Session  
4 Laws reads as rewritten:

5           "Sec. 139. (a) Of the funds appropriated to Aid to Local School Administrative  
6 Units, the sum of two million five hundred thousand dollars (\$2,500,000) for the 1993-  
7 94 fiscal year and the sum of two million five hundred thousand dollars (\$2,500,000) for  
8 the 1994-95 fiscal year shall be used to provide grants for local school administrative  
9 units for locally designed innovative local programs to make schools safe for students  
10 and school employees. These funds shall be used for grants of from fifty thousand  
11 dollars (\$50,000) to one hundred thousand dollars (\$100,000) per year to local school  
12 administrative units. These funds may be used for continuing or noncontinuing  
13 expenses.

14           A local school administrative unit may apply for a grant, or two or three adjacent  
15 local school administrative units may apply jointly for a grant. Applicants for grants  
16 shall submit to the State Board of Education an application that includes the following  
17 information:

- 18           (1) An assessment of local problems with regard to violence and  
19 harassment, including sexual and other forms of harassment, in the  
20 schools prepared by a local task force of educators, parents, students,  
21 community leaders, and representatives of social services and law  
22 enforcement, appointed by the local board of education.
- 23           (2) A detailed plan for addressing these local problems, including  
24 proposed goals and anticipated outcomes, prepared after consultation  
25 with the task force.
- 26           (3) A statement of how the grant funds would be used to address these  
27 local problems and what other resources would be used to address the  
28 problems.
- 29           (4) A process for assessing on an annual basis the success of the local plan  
30 for addressing problems with regard to violence and harassment in the  
31 schools.

32           The Superintendent of Public Instruction shall appoint a State task force to assist the  
33 Superintendent in reviewing grant applications. The State task force shall include  
34 representatives of the Department of Public Instruction, local school administrative  
35 units, educators, parents, the juvenile justice system, social services, and  
36 nongovernmental agencies providing services to children, and other members the  
37 Superintendent deems appropriate. In reviewing grant applications, the Superintendent  
38 and the State task force shall consider the severity of the local problems with regard to  
39 violence in the schools and the likelihood that the locally designed plan will deal with  
40 the problems successfully.

41           The State Board of Education shall consider the recommendations of the  
42 Superintendent in selecting grant recipients. The State Board shall also attempt to give  
43 grants to local school administrative units that are located geographically throughout the

1 State, that have different demographic profiles, and that propose different approaches to  
2 their problems. The State Board shall select grant recipients prior to January 1, 1994.

3 The Superintendent of Public Instruction shall administer the grant program and  
4 provide technical assistance to grant applicants and recipients.

5 The State Board of Education shall report to the Joint Legislative Education  
6 Oversight Committee prior to March 15, 1994, ~~and prior to January 15, 1995-1995, and~~  
7 October 1, 1995, and annually thereafter on how the funds are being used."

8 Sec. 16. (a) Section 7 of Chapter 210 of the 1993 Session Laws reads as  
9 rewritten:

10 "Sec. 7. This act becomes effective July 1, ~~1993-1993~~, except that Sections 3, 5, and  
11 6 become effective July 1, 1995."

12 (b) This section is effective upon ratification. This section does not apply to  
13 employment contracts entered into between a local school unit and an assistant principal  
14 between July 1, 1993, and the effective date of this act.

15 Sec. 17. Subsections (d) and (e) of Section 96 of Chapter 830 of the 1987  
16 Session Laws are repealed.

17 Sec. 18. Subsections (d) and (e) of Section 96 of Chapter 752 of the 1989  
18 Session Laws are repealed.

19 Sec. 19. Chapter 43 of the 1993 Session Laws is repealed.

20 Sec. 20. This act is effective upon ratification.