

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 7*
Committee Substitute Favorable 2/28/95

Short Title: St. Bd. of Educ./Constit. Authority.

(Public)

Sponsors:

Referred to:

January 26, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE CONSTITUTIONAL POWERS TO THE STATE BOARD OF
3 EDUCATION AND TO MAKE CONFORMING AND TECHNICAL CHANGES.

Section 1. G.S. 115C-12 reads as rewritten:

"§ 115C-12. Powers and duties of the Board generally.

~~The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly.~~ As provided in Article IX, Sec. 5 of the North Carolina Constitution, the State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Article IX, Sec. 7 of the Constitution. The State Board may adopt any rules that are needed to carry out this constitutional mandate, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

- (1) Financial Powers. – The financial powers of the Board are set forth in Article 30 of this Chapter.
- (2) Repealed by Session Laws 1985 (Regular Session, 1986), c. 975, s. 24.
- (3), (4) Repealed by Session Laws 1987 (Regular Session, 1988), c. 1025, s. 1.

(5) Apportionment of Funds. – The Board shall have authority to apportion and equalize over the State all State school funds and all federal funds granted to the State for assistance to educational programs administered within or sponsored by the public school system of the State.

(6) Power to Demand Refund for Inaccurate Apportionment Due to False Attendance Records. – When it shall be found by the State Board of Education that inaccurate attendance records have been filed with the State Board of Education which resulted in an excess allotment of funds for teacher salaries in any school unit in any school year, the school unit concerned may be required to refund to the State Board the amount allotted to said unit in excess of the amount an accurate attendance record would have justified.

(7) Power to Alter the Boundaries of City School Administrative Units and to Approve Agreements for the Consolidation and Merger of School Administrative Units Located in the Same County. – The Board shall have authority, in its discretion, to alter the boundaries of city school administrative units and to approve agreements submitted by county and city boards of education requesting the merger of two or more contiguous city school administrative units and the merger of city school administrative units with county school administrative units and the consolidation of all the public schools in the respective units under the administration of one board of education: Provided, that such merger of units and reorganization of school units shall not have the effect of abolishing any special taxes that may have been voted in any such units.

(8) Power to Make Provisions for Sick Leave. – The Board shall provide for a minimum of five days per school year term of sick leave with pay for all public school employees and shall promulgate rules and regulations providing for necessary substitutes on account of said sick leave. The pay for a substitute shall be fixed by the Board. The Board may provide to each local school administrative unit not exceeding one percent (1%) of the cost of instructional services for the purpose of providing substitute teachers for those on sick leave as authorized by law or by regulations of the Board, but not exceeding the provisions made for other State employees.

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

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

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

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

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

c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account demographic, economic, and other factors that have been shown to affect student performance.

c2. To develop management accountability indicators to measure the efficiency and appropriate use of staff in each school and at the administrative office. Staff development for school administrators shall be a high priority of the Department of Public Instruction.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in student performance at each school building from year to year, not to compare school buildings. The Board may consider for inclusion in the building reports the following criteria: test scores, the success of graduating students in postsecondary institutions, attendance, graduation and dropout rates, the numbers of children enrolled in free lunch or Chapter 1 programs, the education level of the parents of children enrolled in the school, the teaching experience of the school staff, and whether the building has been successful in meeting the goals of the building and systemwide plans developed in accordance with G.S. 115C-238.1 through G.S. 115C-238.6. Local school administrative units shall produce school building improvement reports by March 15, 1995, and annually thereafter. Each report shall be based on building-level data for the prior school year.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

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

(10) Power to Provide for Programs or Projects in the Cultural and Fine Arts Areas. – The Board is authorized and empowered, in its discretion, to make provisions for special programs or projects of a cultural and fine arts nature for the enrichment and strengthening of educational opportunities for the children of the State.

For this purpose, the Board may use funds received from gifts or grants and, with the approval of the Director of the Budget, may use State funds which the Board may find available in any budget administered by the Board.

(11) Power to Conduct Education Research. – The Board is authorized to sponsor or conduct education research and special school projects considered important by the Board for improving the public schools of the State. Such research or projects may be conducted during the summer months and involve one or more local school units as the Board may determine. The Board may use any available funds for such purposes.

(12) Duty to Provide for Sports Medicine and Emergency Paramedical Program. – The State Board of Education is authorized and directed to develop a comprehensive plan to train and make available to the public schools personnel who shall have major responsibility for exercising preventive measures against sports related deaths and injuries and for providing sports medicine and emergency paramedical services for injuries that occur in school related activities. The plan shall include, but is not limited to, the training, assignment of responsibilities, and appropriate additional reimbursement for individuals participating in the program.

The State Board of Education is authorized and directed to develop an implementation schedule and a program funding formula that will enable each high school to have a qualified sports medicine and emergency paramedical program by July 1, 1984.

The State Board of Education is authorized and directed to establish minimum educational standards necessary to enable individuals serving as sports medicine and emergency paramedical staff to provide such services, including first aid and emergency life saving skills, to students participating in school activities.

(13) Power to Purchase Liability Insurance. – The Board is authorized to purchase insurance to protect board members from liability incurred in the exercise of their duty as members of the Board.

(14) Duty to Provide Personnel Information to Local Boards. – Upon request, the State Board of Education and the Department of Public Instruction shall furnish to any county or city board of education any and all available personnel information relating to certification, evaluation and qualification including, but not limited to, semester hours or quarterly hours completed, graduate work, grades, scores, etc., that are on that date in the files of the State Board of Education or Department of Public Instruction.

(15) Duty to Develop Noncertified Personnel Position Evaluation Descriptions. – The Board is authorized and directed to develop position evaluation descriptions covering those positions in local school administrative units for which certification by the State Board of Education is not normally a prerequisite. The position evaluation descriptions required in this subdivision are to be used by local boards of education as the basis for assignment of noncertified employees to an appropriate pay grade in accordance with

salary grades and ranges adopted by the State Board of Education. No appropriations are required by this subdivision.

(16) Power with Regard to Salary Schedules. –

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

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

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

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

c. Salary schedules for other support personnel, including but not limited to maintenance and school food service personnel, shall be adopted by the State Board of Education. The Board shall classify these support positions in terms of uniform pay grades included in the salary schedule of the State Personnel Commission. These schedules shall apply if the local board of education does not adopt a salary schedule of its own for personnel paid from other than State appropriations.

(17) Power to provide for school transportation programs. The State Board of Education is authorized and empowered to promulgate such policies, rules, and regulations as it may deem necessary and desirable for the operation of a public school transportation system by each local administrative unit in the State. Such policies, rules, and regulations shall include, but are not limited to, fund allocations and fiscal support to assure the effective and efficient use of funds appropriated by the General Assembly in support of the school transportation system. Nothing herein shall be construed to affect in

any way or to lessen in any way the full and complete authority of local boards of education to assign pupils to schools in accordance with G.S. 115C-366.

(18) Duty to Develop and Implement a Uniform Education Reporting System, Which Shall Include Standards and Procedures for Collecting Fiscal and Personnel Information.

a. The State Board of Education shall adopt standards and procedures for local school administrative units to provide timely, accurate, and complete fiscal and personnel information, including payroll information, on all school personnel. All local school administrative units shall comply with these standards and procedures by the beginning of the 1987-88 school year.

b. The State Board of Education shall develop and implement a Uniform Education Reporting System that shall include requirements for collecting, processing, and reporting fiscal, personnel, and student data, by means of electronic transfer of data files from local computers to the State Computer Center through the State Communications Network. All local school administrative units shall comply with the requirements of the Uniform Education Reporting System by the beginning of the 1989-90 school year.

c. The State Board of Education shall comply with the provisions of G.S. 116-11(10a) to plan and implement an exchange of information between the public schools and the institutions of higher education in the State. The State Board of Education shall require local boards of education to provide to the parents of children at a school all information except for confidential information received about that school from institutions of higher education pursuant to G.S. 116-11(10a) and to make that information available to the general public.

(19) Duty to Identify Required Reports. – Prior to the beginning of each school year, the State Board of Education shall identify all reports that are required at the State level for the school year.

(20) Duty to Report Appointment of Caretaker Administrators and Boards. – Pursuant to G.S. 120-30.9G the State Board of Education shall submit to the Attorney General of the United States within 30 days any rules, policies, procedures, or actions taken pursuant to G.S. 115C-64.4 which could result in the appointment of a caretaker administrator or board to perform any of the powers and duties of a local board of education where that school administrative unit is covered by the Voting Rights Act of 1965.

(21) Duty to Monitor Acts of School Violence. – The State Board of Education shall monitor and compile an annual report on acts of violence in the public schools. The State Board shall adopt standard definitions for acts of school violence and shall require local boards of education to report them to the State Board in a standard format adopted by the State Board.

(22) Duty to Monitor the Decisions of Teachers to Leave the Teaching Profession. – The State Board of Education shall monitor and compile an annual report on the decisions of teachers to leave the teaching profession. The State Board shall adopt standard procedures for each local board of education to use in requesting the information from teachers who are not continuing to work as teachers in the local school administrative unit and shall require each local boards of education to report the information to the State Board in a standard format adopted by the State Board."

Sec. 2. Article 2 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-12.2. Department of Public Instruction.

The Department of Public Instruction is a principal department of State government under the direction of the State Board of Education. The State Board of Education may adopt and administer all policies, rules, and standards necessary for the operation of the Department. The Department shall have powers and duties as are conferred by the laws of this State and by the State Board of Education. The State Board may, subject to Chapter 126 of the General Statutes, appoint to the Department of Public Instruction any officers or employees it considers necessary."

Sec. 3. G.S. 115C-19 reads as rewritten:

"§ 115C-19. Chief administrative officer of the State Board of Education.

As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education. ~~The Superintendent of Public Instruction shall administer the policies adopted by the State Board of Education. The State Board shall define the specific duties of the Superintendent as secretary and chief administrative officer of the Board. The Superintendent of Public Instruction shall perform these duties and all other duties that the Board may assign to the Superintendent.~~"

Sec. 4. G.S. 115C-21 is repealed.

Sec. 5. G.S. 115C-21.1(b) reads as rewritten:

1 "~~(b) The Department of Public Instruction~~State Board of Education shall monitor and
2 provide a report to the General Assembly by May 1, 1991, and annually thereafter
3 showing the school units that have been granted class size waivers pursuant to G.S.
4 115C-238.6(a), have reported class size exceptions, and have converted State-funded
5 teacher positions to other positions, dollars, or other expenditures."

Sec. 6. G.S. 115C-22 reads as rewritten:

"§ 115C-22. Alcohol and Drug Defense Program established.

~~There is established in the Department of Public Instruction the Alcohol and Drug Defense (ADD) Program. The Program shall be a new initiative to give the Superintendent of Public Instruction statewide responsibility. The State Board of Education shall establish the Alcohol and Drug Defense (ADD) Program to address systematically alcohol and drug problems of school aged youth.~~

The ADD Program shall:

- (1) Provide planning, consultation, and direct services to local school boards, school personnel, parent-teacher-student organizations, and ~~community teams, and the divisions of the Department of Public Instruction~~ teams that can affect substance abuse;
- (2) Perform a complete comprehensive survey of existing prevention, intervention, treatment, and policy activities within the public schools;
- (3) Identify, mobilize, and coordinate resources for immediate action throughout the State;
- (4) Develop a model approach that is flexible enough to be tailored to community needs and resources;

- (5) Coordinate alcohol- and drug-specific curriculum-development and implementation;
- (6) Consult with local school boards on the development of school policies to reduce substance use and possession on school property and at school activities;
- (7) Consult directly with school personnel regarding appropriate intervention and referral of students in trouble;
- (8) Train health education coordinators, teachers, and others on the identification of substance use and steps to take with students;
- (9) Coordinate with higher education, teacher organizations, and alcohol and drug professionals;
- (10) Act as a liaison between the ~~Department of Public Instruction~~ State Board and other agencies addressing the substance abuse problem;
- (11) Perform other services as directed by the State Board of ~~Education~~ and the ~~Superintendent of Public Instruction~~; Education; and
- (12) Report regularly to the Superintendent of Public Instruction, the State Board of Education, and the General Assembly on the status of substance abuse among school-aged children."

Sec. 7. G.S. 115C-47(34) reads as rewritten:

"(34) To Encourage the Business Community to Facilitate Student Achievement. – Local boards of education, in consultation with local business leaders, shall develop voluntary guidelines relating to after-school employment. The guidelines may include an agreement to limit the number of hours a student may work or to tie the number of hours a student may work to his academic performance, school attendance, and economic need. The General Assembly finds that local boards of education do not currently have information regarding how many of their students are employed after school and how many hours they work; the General Assembly urges local boards of education to compile this critical information so that the State can determine to what extent these students' work affects their school performance.

Local boards of education shall work with local business leaders to encourage employers to provide parents or guardians with time to attend conferences with their children's teachers.

The ~~Superintendent~~ Department of Public Instruction shall provide guidance and technical assistance to the local boards of education on carrying out the provisions of this subdivision."

Sec. 8. G.S. 115C-81(f) reads as rewritten:

"(f) Establishment and Maintenance of Kindergartens. –

(1) Local boards of education shall provide for their respective local school administrative unit kindergartens as a part of the public school system for all children living in the local school administrative unit who are eligible for admission pursuant to subdivision (2) of this subsection provided that funds are available from State, local, federal or other sources to operate a kindergarten program as provided in this subsection. All kindergarten programs so established shall be subject to the supervision of the Department of Public Instruction and shall be operated in accordance with the standards

adopted by the State Board of Education, ~~upon recommendation of the Superintendent of Public Instruction.~~ Education.

Among the standards to be adopted by the State Board of Education shall be a provision that the Board will allocate funds for the purpose of operating and administering kindergartens to each school administrative unit in the State based on the average daily membership for the best continuous three out of the first four school months of pupils in the kindergarten program during the last school year in that respective school administrative unit. Such allocations are to be made from funds appropriated to the State Board of Education for the kindergarten program.

(2) Any child who has passed the fifth anniversary of his birth on or before October 16 of the year in which he enrolls shall be eligible for enrollment in kindergarten. Any child who is enrolled in kindergarten and not withdrawn by his parent or guardian shall attend kindergarten.

(3) Notwithstanding any other provision of law to the contrary, subject to the approval of the State Board of Education, any local board of education may elect not to establish and maintain a kindergarten program. Any funds allocated to a local board of education which does not operate a kindergarten program may be reallocated by the State Board of Education, within the discretion of the Board, to a county or city board of education which will operate such a program."

Sec. 9. G.S. 115C-90 reads as rewritten:

"§ 115C-90. Adoption of textbooks and contracts with publishers.

The publishers' sealed bids shall be opened in the presence of two persons designated by the State Board of Education ~~and one person designated by the Superintendent of Public Instruction.~~ Education. The Board may then adopt the books required by the courses of study and enter into contracts with the publisher of adopted books. It may refuse to adopt any of the books offered at the prices bid and call for new bids. When bids are accepted and a contract entered into, the contract may require, in the Board's discretion, that the total sales of each book in the State of North Carolina be reported annually to the Board. All textbook contracts shall include a clause granting to the State Board of Education the license to produce Braille, large print, and audio-cassette tape copies of the textbooks for use in the State public schools. Also, the General Assembly urges the State Board of Education to request such a license from textbook publishers with whom a contract was entered into prior to August 1, 1987."

Sec. 10. G.S. 115C-105.4(a)(3) reads as rewritten:

"(3) Work with the ~~Department of Public Instruction~~ State Board of Education to ensure that end-of-course assessments for core subjects are consistent with these standards and with benchmarks set by the Commission leading to these standards."

Sec. 11. G.S. 115C-105.9 reads as rewritten:

"§ 115C-105.9. Assistance of other agencies.

Upon the request of the Commission, ~~the Department of Public Instruction,~~ the State Board of Education, the Department of Community Colleges, and the Board of Governors of The University of North Carolina shall furnish the Commission with any nonconfidential information in their possession or available to them."

Sec. 12. G.S. 115C-113.1 reads as rewritten:

"§ 115C-113.1. Surrogate parents.

In the case of a child whose parent or guardian is unknown, whose whereabouts cannot be determined after reasonable investigation, or who is a ward of the State, the local educational agency shall appoint a surrogate parent for the child. The surrogate parent shall be appointed from a group of persons approved by the ~~Superintendent of Public Instruction~~ State Board of Education and the Secretary of Human Resources, but in no case shall the person appointed be an employee of the local educational agency or directly involved in the education or care of the child. The ~~Superintendent~~ State Board of Education shall ensure that local educational agencies appoint a surrogate parent for every child in need of a surrogate parent."

Sec. 13. G.S. 115C-116(i) reads as rewritten:

"(i) Review by Review Officer. – Any party aggrieved by the decision of the administrative law judge may appeal that decision within 30 days after receipt of notice of the decision by filing a written notice of appeal with the ~~Superintendent of Public Instruction~~. ~~The State Superintendent of Public Instruction~~ State Board of Education. ~~The State Board~~ shall appoint a Review Officer from a pool of review officers that it has approved. ~~approved by the State Board of Education~~.—A Review Officer shall be an educator or other professional who is knowledgeable about special education and who possesses ~~such~~ any other qualifications as may be established by the State Board of Education. The Review Officer may issue subpoenas upon his own motion or upon a written request.

No person may be appointed as a Review Officer if that person is an employee of an agency that has been involved in the education or care of the child whose parents have filed the ~~petition (including petition, if that person is an employee or official of the State Department of Education~~ Public Instruction or the State Board of ~~Education~~) Education, or if the person is or has been employed by the local board of education responsible for the education or care of the child whose parents have filed the petition. The decision of the Review Officer shall contain findings of fact and conclusions of law and becomes final unless an aggrieved party brings a civil action ~~pursuant to subsection (k)~~ under subsection (k) of this section. A copy of the decision shall be served upon each party and a copy shall be furnished to the attorneys of record. The written notice shall contain a statement informing the parties of the right to file a civil action and the 30-day limitations period for filing a civil action ~~pursuant to subsection (k)~~ under subsection (k) of this section."

Sec. 14. G.S. 115C-118 reads as rewritten:

"§ 115C-118. Functions.

The centers shall have the following functions:

- (1) To provide in-service training to all special education teachers and other professionals as defined by the ~~Superintendent~~ State Board.
- (2) To develop in kindergarten and primary grade teachers the necessary skills to detect potential special education needs and the capability to plan special educational programs.

(2a) To provide in-service training for all teachers in the identification and education of learning disabled children.

(3) To provide in-service training and consultative services to a parent or guardian of a child with special needs and to appropriate public school administrative and management personnel.

(4) To work in concert with the various local human resources agencies to the end that multiple and duplicative services provided at various times and by various agencies of the State may be obviated.

(5) To conduct an in-depth evaluation of the impact of in-service training on the delivery of services to children with special needs within the public schools on an annual basis in compliance with ~~such rules and regulations as the Superintendent may promulgate.~~ any rules adopted by the State Board of Education."

Sec. 15. G.S. 115C-120 reads as rewritten:

"§ 115C-120. Rules and regulations.

~~The Superintendent shall develop and promulgate appropriate rules and regulations for the operation of the centers subject to the approval of the State Board. Such rules and regulations shall~~ State Board of Education shall adopt appropriate rules for the operation of the centers. These rules shall prescribe the precise operational responsibility of the centers and shall include a description of the operational relationship that shall exist with the various local human resources agencies."

Sec. 16. G.S. 115C-121(c) reads as rewritten:

1 "(c) The Council shall meet in offices provided by the ~~Department of Public~~
2 ~~Instruction~~ State Board of Education on a date to be agreed upon by the members of the
3 Council from meeting to meeting; ~~Provided, however, that meeting.~~ However, the Council
4 shall meet no less than once every three months. The ~~Department of Public Instruction~~ State
5 Board shall provide the necessary secretarial and clerical staff and supplies to accomplish
6 the objectives of the Council."

Sec. 17. G.S. 115C-122(1) reads as rewritten:

"(1) The State shall provide for a comprehensive early childhood development program by emphasizing preventative and remedial measures designed to provide the services which will enable children to develop to the maximum level their physical, mental, social, and emotional potentials and to strengthen the role of the family as the first and most fundamental influence on child development. The General Assembly finds that the complexity of early childhood development precludes the enactment of legislation which is of a sufficiently comprehensive nature to encompass all possible implications. ~~The Departments of Public Instruction and~~ State Board of Education and the Department of Human Resources shall, therefore, jointly develop an early childhood development program plan with flexibility sufficient to meet the State's policy as set forth in this subdivision. ~~Said~~ This plan shall provide for the operation of a statewide early childhood development program no later than June 30, 1983."

Sec. 18. G.S. 115C-122(4) reads as rewritten:

"(4) It is recognized that children have a variety of characteristics and needs, all of which must be considered if the potential of each child is to be realized; that in order to

accomplish this the State must develop a full range of service and education programs, and that a program must actually benefit a child or be designed to benefit a particular child in order to provide such child with appropriate educational and service opportunities. The General Assembly requires that all programs employ least restrictive alternatives as shall be defined by the ~~Departments of Public Instruction and State Board of Education and the Department of Human Resources.~~"

Sec. 19. G.S. 115C-146.3(d) reads as rewritten:

1 "(d) Related services provided under this Part shall be provided by qualified
2 services providers. The term 'qualified services provider' means a person who meets
3 State standards for licensure or State Board of Education standards for certification for a
4 specific profession or discipline.

To the extent that the State Board of Education standards include provisions for certification that are less than the standard for certification or licensure for a specific profession, the ~~Department of Public Instruction~~ State Board of Education may certify individuals on a temporary or provisional basis, provided that the ~~State Board of Education shall establish~~ establishes a comprehensive plan and reasonable time lines to ensure that only professionals who meet the appropriate standard for licensure or certification may be employed in the future."

Sec. 20. G.S. 115C-174.12(b) reads as rewritten:

"(b) The ~~Superintendent of Public Instruction shall be responsible, under policies adopted by the State Board of Education,~~ State Board of Education shall adopt rules for the statewide administration of the testing program provided by this Article and for providing necessary staff services to the Commission."

Sec. 21. G.S. 115C-210.3(b) reads as rewritten:

5 "(b) The Council shall meet in space to be provided by the ~~Department of Public~~
6 ~~Instruction~~ State Board of Education on ~~such any~~ any dates as are agreed on by the
7 membership from meeting to ~~meeting; provided, however, that meeting.~~ meeting. However, the
8 Council shall meet at least three, but no more than four times each year. The Council
9 may meet at emergency meetings called by the chairperson. The Department of Public
10 Instruction shall provide necessary staff support and supplies to enable the Council to
11 carry out its duties in an effective manner."

Sec. 22. G.S. 115C-210.4(d) reads as rewritten:

12 "(d) To work closely with the ~~Division of Indian Education in the Department of~~
13 ~~Public Instruction to improve coordination and communication between and among~~
14 ~~programs;~~"

Sec. 23. G.S. 115C-215 reads as rewritten:

"§ 115C-215. Instruction in driver training and safety education.

~~There shall be organized and administered under the general supervision of the Superintendent of Public Instruction a program of driver training and safety education in the public schools of this State, said courses to be~~ The State Board of Education shall establish a program of driver training and safety education in the public schools of this State. The program shall be organized and administered under the Department of Public Instruction and shall consist of noncredit courses taught by instructors who meet the

requirements established by the State Board of Education. Instructors shall not be required to hold teacher certificates."

Sec. 24. G.S. 115C-231(a) reads as rewritten:

~~"(a) When in the judgment of the State Board of Education a program of adult education should be established as a part of the public school system and when appropriations have been made therefor, there shall be organized and administered under the general supervision of the Superintendent of Public Instruction, a course in adult education: Provided, that~~ If appropriations are made, the State Board of Education may establish a program of adult education to be organized and administered under the Department of Public Instruction. ~~Notwithstanding this subsection, local boards of education, in their discretion, may institute and support such programs from local funds upon the approval of the State Board of Education."~~

Sec. 25. G.S. 115C-238.3(a) reads as rewritten:

1 "(a) Development of systemwide plan by the local board of education. – The board
2 of education of a local school administrative unit that elects to participate in the Program
3 shall develop and submit a local school improvement plan for the entire local school
4 administrative unit to the State ~~Superintendent of Public Instruction~~ Board of Education
5 before April 15 of the fiscal year preceding the fiscal year in which participation is
6 sought.

A systemwide improvement plan shall remain in effect for no more than three years."

Sec. 26. G.S. 115C-238.5(a) reads as rewritten:

7 "(a) For fiscal years beginning with the 1990-91 fiscal year, the State Board of
8 ~~Education, only upon the recommendation of the State Superintendent, shall~~ Education may
9 increase flexibility in the use of State funds for schools by combining into a single
10 funding category the existing categories for instructional materials, supplies and
11 equipment, textbooks, testing support, and drivers education except for funds for
12 classroom teachers of drivers education. Only local school administrative units electing to
13 participate in the Performance-based Accountability Program shall be eligible to receive
14 this flexible funding."

Sec. 27. G.S. 115C-238.6 reads as rewritten:

"§ 115C-238.6. Approval of local school administrative unit plans by the State
~~Superintendent; Board;~~ conditions for continued participation.

15 (a) Prior to June 30 each year, the State ~~Superintendent~~ Board of Education shall
16 review local school improvement plans submitted by the local school administrative units
17 in accordance with policies and performance indicators adopted by the State Board of
18 Education. If the State ~~Superintendent~~ Board approves the plan for a local school
19 administrative unit, that unit shall participate in the Program for the next fiscal year.

If a local plan contains a request for a waiver of State laws, regulations, or policies, in accordance with G.S. 115C-238.3(b1) or (b2), ~~the State Superintendent~~ G.S. 115C-238.3(b2), the State Board of Education shall determine whether and to what extent the identified laws, regulations, or policies should be waived. ~~The State Superintendent shall present that plan and his determination to the State Board of Education.~~ If the State Board of Education deems it necessary to do so to enable a local unit to reach its local

accountability goals, the State Board, ~~only upon the recommendation of the State Superintendent, Board~~ may grant waivers of:

(1) State laws pertaining to class size, teacher certification, assignment of teacher assistants, the use of State-adopted textbooks, and the purposes for which State funds for the public schools, except for funds for school health coordinators, may be used: Provided, however, the State Board of Education shall not permit the use of funds for teachers for expanded programs under the Basic Education Program for any other purpose;

(2) All State regulations and policies, except those pertaining to State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-325, health and safety codes, compulsory school attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

The provisions of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board shall not be waived.

Except for waivers requested by the local board in accordance with G.S. 115C-238.3(b2) for central office staff, waivers shall be granted only for the specific schools for which they are requested in building-level plans and shall be used only under the specific circumstances for which they are requested.

1 (b) Local school administrative units shall continue to participate in the Program
2 and receive funds for differentiated pay, if their local plans call for differentiated pay, so
3 long as (i) they demonstrate satisfactory progress toward student performance goals set
4 out in their local school improvement plans; or (ii) once their local goals are met, they
5 continue to achieve their local goals and they otherwise demonstrate satisfactory
6 performance, as determined by the State Superintendent ~~in accordance with guidelines set by~~
7 ~~the State Board of Education.~~ Board of Education in accordance with the Board's
8 established guidelines.

If the local school administrative units do not achieve their goals after two years, the Department of Public Instruction shall provide them with technical assistance to help them meet their goals. If after one additional year they do not achieve their goals, the State Board of Education shall decide what steps shall be taken to improve the education of students in the unit."

Sec. 28. G.S. 115C-238.7(d) reads as rewritten:

9 "(d) The State Superintendent of Public Instruction ~~Board of Education~~ shall appoint a
10 Director of the Task Force on Site-Based Management. The Director shall direct a
11 program in the Department of Public Instruction to provide training and assistance to the
12 public schools to facilitate the implementation of site-based management.

The Director shall supervise such site-based management specialists from each of the six technical assistance centers of the Department of Public Instruction as may be assigned by the State Superintendent. ~~Board.~~ The specialists shall work directly with the local school administrative units and with school-based committees to provide them with

training and assistance to facilitate the implementation of site-based management. The specialists shall coordinate their activities with the central office."

Sec. 29. G.S. 115C-238.42 reads as rewritten:

"§ 115C-238.42. Review of applications.

1 (a) ~~The Superintendent of Public Instruction~~ State Board of Education shall appoint a
2 State task force to assist the ~~Superintendent-Board~~ in reviewing grant applications. The
3 State task force shall include representatives of the Department of Public Instruction, the
4 Department of Human Resources, local school administrative units, educators, parents,
5 the juvenile justice system, social services, and governmental agencies providing services
6 to children, and other members the ~~Superintendent-State Board~~ considers appropriate. In
7 appointing the State task force, the ~~Superintendent-State Board~~ shall consult with the
8 Secretary of Human Resources in an effort to coordinate the membership of this State
9 task force and those appointed by the Secretary pursuant to G.S. 143B-152.5 and G.S.
10 143B-152.13.

In reviewing grant applications, the ~~Superintendent-State Board~~ and the State task force shall consider the prevalence of underserved students and families in low-income neighborhoods and in isolated rural areas in the area for which the grant is requested, the severity of the local problems with regard to children at risk of school failure and with regard to school discipline, whether the proposed program meets State standards, and the likelihood that the locally designed plan will deal with the problems successfully.

During the review process, the ~~Superintendent-State Board~~ may recommend modifications in grant applications to applicants.

11 (b) ~~The Superintendent shall submit recommendations to the State Board of Education~~
12 ~~on~~ State Board of Education shall make the final determination as to which applicants
13 should receive grants and the amount they should receive."

Sec. 30. G.S. 115C-238.43 reads as rewritten:

"§ 115C-238.43. Award of grants.

In selecting grant recipients, the State Board shall consider (i) ~~the recommendations of the Superintendent,~~ any findings made during the grant review process, (ii) the geographic location of the applicants, and (iii) the demographic profile of the applicants. After considering these factors, the State Board shall give priority to grant applications that will serve areas that have a high incidence of juvenile crime and that propose different approaches that can serve as models for other communities.

The State Board shall select the grant recipients prior to July 15, 1994, for local programs that will be in operation at the beginning of the 1994-95 school year. The State Board shall select the grant recipients prior to October 1, 1994, for local programs that will be in operation after the beginning of the 1994-95 school year."

Sec. 31. G.S. 115C-238.45 reads as rewritten:

"§ 115C-238.45. Administration of the grant program.

~~The Superintendent of Public Instruction shall administer the grant program, under the direction of the State Board of Education.~~ State Board of Education shall administer the grant program. The Department of Public Instruction shall provide technical assistance to grant applicants and recipients."

Sec. 32. G.S. 115C-238.46 reads as rewritten:

"§ 115C-238.46. Cooperation of State and local agencies.

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Public Instruction, local boards of education, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The ~~Superintendent~~, State Board of Education, after consultation with the Secretary of Human Resources, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program."

Sec. 33. G.S. 115C-271 reads as rewritten:

"§ 115C-271. Selection by local board of education, term of office.

Each local board of education shall elect a superintendent of schools for a term of one to four years, ending on June 30th of the final 12 months of the contract. The board of education may, with the written consent of the current superintendent, extend or renew the term of the superintendent's contract at any time after the first 12 months of the contract; provided, however, that the current superintendent's contract may not be extended for a term of greater than four years; and provided, further, that if new board members have been elected or appointed and are to be sworn in, the board may not act to extend or renew the current superintendent's contract until after the new members have been sworn in. The term and conditions of employment shall be stated in a written contract which shall be entered into between the board of education and the superintendent. A copy of the contract shall be filed with the ~~Superintendent of Public Instruction~~ State Board of Education before any person is eligible for this office.

Contracts of employment for a period of less than one year shall be governed and limited by G.S. 115C-275.

It is the policy of the State of North Carolina that the superintendents of each of the several school administrative units be hired solely at the discretion of the local boards of education and that a candidate for superintendent of a local school administrative unit must have been, at least, a principal in a North Carolina public school or have equivalent experience as prescribed by the State Board of Education and have other minimum credentials, educational prerequisites and experience requirements as the State Board of Education shall prescribe. The State Board of Education is directed to promulgate prerequisites for candidacy for superintendent not later than January 1, 1985.

If any board of education shall elect a person to serve as superintendent of schools in any local school administrative unit who is not qualified, or cannot qualify, according to this section, such election is null and void and it shall be the duty of such board of education to elect a person who can qualify."

Sec. 34. G.S. 115C-274 reads as rewritten:

"§ 115C-274. Removal for cause.

(a) Local boards of education are authorized to remove a superintendent who is guilty of immoral or disreputable conduct or who shall fail or refuse to perform the duties of the office as required of him by law. ~~In case the Superintendent of Public Instruction shall have~~ If the State Board of Education has sufficient evidence at any time that any superintendent of schools is not capable of discharging, or is not discharging, the duties of ~~his~~ the office as required by law or is guilty of immoral or disreputable conduct, ~~he~~ the State Board shall report this matter to the board of education employing ~~said~~ that superintendent of schools. It shall then be the duty of said board of education to hear the evidence in such case and, if after careful investigation it shall find the charges true, it shall declare the office vacant at once and proceed to elect a successor: Provided, that such superintendent shall have the right to try his title to office in the courts of the State.

(b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g) through (i) or ~~such~~ any other duties as may be assigned ~~him~~ to the superintendent, he shall be subject, after notice, to an investigation by the ~~Superintendent of Public Instruction~~ State Board of Education or by his board of education for failure to perform his duties. For persistent failure to perform these duties, ~~his~~ the superintendent's certificate may be revoked by the ~~Superintendent of Public Instruction, or he~~ State Board of Education, or the superintendent may be dismissed by his board of education."

Sec. 35. G.S. 115C-275 reads as rewritten:

"§ 115C-275. Vacancies in office of superintendent.

In case of vacancy by death, resignation, or otherwise, in the office of a superintendent, ~~such~~ that vacancy shall be filled by the local board of education in which ~~such~~ the vacancy occurred. If the vacancy is filled on a temporary basis, subject to the same approvals and to the same educational qualifications as provided for superintendents, the individual appointed to fill the vacancy on a temporary basis shall be paid the salary provided for superintendents. During the time any superintendent is on an approved leave of absence, without pay, an acting superintendent may be appointed in the same manner to serve during the interim period, which appointment shall be subject to the same approvals and to the same educational qualifications as provided for superintendents. In case ~~such~~ any position is not filled immediately on a permanent or temporary basis, or in case of absence of a superintendent on account of illness or other approved reason, the board of education, by resolution duly adopted and recorded in the minutes of ~~such~~ that board, may assign to an employee of ~~such~~ the school board, with the approval of the ~~Superintendent of Public Instruction, the State Board of Education,~~ any duty or duties of ~~such~~ that superintendent which necessity requires be performed during ~~such~~ that time. If the superintendent's duty of signing warrants and checks is assigned, the board shall give proper notice immediately to the State Controller and to the appropriate local disbursing official."

Sec. 36. G.S. 115C-276(d) reads as rewritten:

- 1 "(d) To Attend Professional Meetings. – It shall be the duty of every superintendent
- 2 to attend professional meetings conducted by the State ~~Superintendent of Public Instruction~~
- 3 Board of Education and such other professional meetings as are necessary to keep ~~him~~ the
- 4 superintendent informed on educational matters."

Sec. 37. G.S. 115C-276(e) reads as rewritten:

"(e) To Report Certain Information to the Superintendent of Public Instruction-State Board of Education. – It shall be the duty of every superintendent to furnish as promptly as possible to the State ~~Superintendent when~~ Board any requested by him, information and statistics on any phase of the school work in ~~his~~ the superintendent's administrative unit."

Sec. 38. G.S. 115C-276(g) reads as rewritten:

"(g) To Familiarize Himself with and to Implement State Policies and Rules. – It shall be the duty of the superintendent to keep himself thoroughly informed as to all policies promulgated and rules adopted by ~~the State Superintendent of Public Instruction and the State Board of Education,~~ for the organization and government of the public schools. The superintendent shall notify and inform ~~his~~ the board of education, supervisors, principals, teachers, janitors, bus drivers, and all other persons connected with the public schools, of ~~such~~ these policies and rules. In the performance of these duties, the superintendent shall confer, work, and plan with all school personnel to achieve the best methods of instruction, school organization and school government."

Sec. 39. G.S. 115C-278 reads as rewritten:

"§ 115C-278. Assistant superintendent and associate superintendent.

Local boards of education shall have authority to employ an assistant superintendent, in addition to those that may be furnished by the State when, in the discretion of the board of education, the schools of the administrative unit can thereby be more efficiently and more economically operated and when funds for the same are provided in the current expense fund budget. The duties of such assistant superintendent shall be assigned by the superintendent with the approval of the board of education.

Local boards of education may, upon the recommendation of the superintendent, elect assistant or associate superintendents for a term of from one to four years. The term may not, however, exceed the expiration date of the superintendent's contract, unless the remaining time of the superintendent's contract is less than one year. If there is less than one year remaining on the superintendent's contract, the assistant or associate superintendent shall be given a contract through the next school year.

The term of employment shall be stated in a written contract which shall be entered into between the board of education and the assistant or associate superintendent, a copy of which shall be filed with the ~~Superintendent of Public Instruction-State Board of Education~~ as a matter of information. The assistant or associate superintendent may not be dismissed during the term to which he is elected except for misconduct of such a nature as to indicate he is unfit to continue in his position, incompetence, neglect of duty, or failure or refusal to carry out validly assigned duties."

Sec. 40. G.S. 115C-288(b) reads as rewritten:

1 "(b) To Make Accurate Reports to the Superintendent and to the Local Board. –
2 The principal shall make all reports to the superintendent. Every principal of a public
3 school shall make ~~such~~ any reports as ~~that~~ are required by the boards of education, and the
4 superintendent shall not approve the vouchers for the pay of principals until the required
5 monthly and annual reports are ~~made. Provided, that~~ made. However, the superintendents
6 may require teachers to make reports to the principals and principals to make reports to

1 the superintendent: ~~Provided further, that any superintendent.~~ Any principal or supervisor
2 who knowingly and willfully makes or procures another to make any false report or
3 records, requisitions, or payrolls, respecting daily attendance of pupils in the public
4 schools, payroll data sheets, or other reports required to be made to any board or officer
5 in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the
6 certificate of such person to teach in the public schools of North Carolina shall be
7 revoked by the ~~Superintendent of Public Instruction.~~ State Board of Education."

Sec. 41. G.S. 115C-288(d) reads as rewritten:

8 "(d) To Conduct Fire Drills and Inspect for Fire Hazards. – It shall be the duty of
9 the principal to conduct a fire drill during the first week after the opening of school and
10 thereafter at least one fire drill each school month, in each building in ~~his~~ the principal's
11 charge, where children are assembled. Fire drills shall include all pupils and school
12 employees, and the use of various ways of egress to simulate evacuation of ~~said these~~
13 buildings under various conditions, and ~~such any other~~ regulations as shall be prescribed
14 for fire safety by the Commissioner of ~~Insurance, the Superintendent of Public Instruction~~
15 Insurance and the State Board of Education. A copy of ~~such these~~ regulations shall be
16 kept posted on the bulletin board in each building.

It shall be the duty of each principal to inspect each of the buildings in his charge at least twice each month during the regular school session. This inspection shall include cafeterias, gymnasiums, boiler rooms, storage rooms, auditoriums and stage areas as well as all classrooms. This inspection shall be for the purpose of keeping the buildings safe from the accumulation of trash and other fire hazards.

It shall be the duty of the principal to file two copies of a written report once each month during the regular school session with the superintendent of his local school administrative unit, one copy of which shall be transmitted by the superintendent to the chairman of the local board of education. This report shall state the date the last fire drill was held, the time consumed in evacuating each building, that the inspection has been made as prescribed by law and ~~such any other~~ information as is deemed necessary for fire safety by the Commissioner of Insurance, the Superintendent of Public Instruction and the State Board of Education.

It shall be the duty of the principal to minimize fire hazards pursuant to ~~the provisions of~~ G.S. 115C-525."

Sec. 42. G.S. 115C-290.2 reads as rewritten:

"§ 115C-290.2. Definitions.

The following definitions apply in this Article:

- (1) Standards Board. – The North Carolina Standards Board for Public School Administration.
- (2) Exam. – The North Carolina Public School Administrator Exam.
- (3) School administrator. – Public school superintendents, deputy superintendents, associate superintendents, assistant superintendents, principals, and assistant principals."

Sec. 43. G.S.115C-290.3 reads as rewritten:

"§ 115C-290.3. (Effective January 1, 1997) False representation ~~of qualifications~~ prohibited.

It is unlawful for a person whom the Standards Board has not ~~qualified-recommended~~ for certification as a public school administrator to represent himself or herself as having been ~~qualified-recommended~~ by the Standards Board or to hold himself or herself out to the public by any title or description denoting that he or she has been ~~qualified-recommended~~ by the Standards Board for certification. A person who violates this section is guilty of a Class 2 misdemeanor."

Sec. 44. G.S. 115C-290.4 reads as rewritten:

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

1 (a) The North Carolina Standards Board for Public School Administration is
2 created. The Standards Board shall be located for administrative purposes in the Office
3 of the Governor. The Standards Board shall exercise its powers independently of that
4 Office.

5 (b) The Standards Board shall consist of seven members appointed by the
6 Governor as follows:

- (1) Two local superintendents employed by a local school administrative unit.
- (2) Three principals employed by a local school administrative unit.
- (3) One dean of a school of education or a designee.
- (4) One representative of the public at large.

Composition of the Standards Board as to the race and sex of its members shall reflect the composition of the population of the State. Members of the Standards Board shall be residents of the State and shall each reside in a different congressional district.

With the exception of the member representing the public at large, each member must be qualified under this Article, and must be actively engaged in the practice of public school administration or in the education and training of students in public school administration. Before their appointment to the Standards Board, these professional Standards Board members must have been actively engaged in the practice of public school administration or in the education and training of students in public school administration for at least three years, at least two of which occurred primarily in this State.

7 (c) The Governor may only remove a member of the Standards Board for neglect
8 of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

9 (d) Effective July 1, 1993, the Governor shall appoint one superintendent, two
10 principals, and the dean of a school of education for terms of three years, and one
11 superintendent, one principal, and the representative of the public for terms of two years.
12 Thereafter the terms shall be for three years. Each term of service on the Standards
13 Board shall expire on the 30th day of June of the year in which the term expires. No
14 member shall serve more than two consecutive three-year terms. As the term of a
15 member expires, the Governor shall make the appointment for a full term, or, if a vacancy
16 occurs for any other reason, for the remainder of the unexpired term.

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

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

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

Sec. 45. G.S. 115C-290.5(a) reads as rewritten:

1 "(a) The Standards Board shall administer this Article. In fulfilling this duty, the
2 Standards Board shall:

(1) Develop and implement a North Carolina Public School Administrator Exam, based on the professional standards established by the Standards Board.

(2) Establish and collect an application fee not to exceed fifty dollars (\$50.00), and an exam fee not to exceed one hundred fifty dollars (\$150.00). Fees collected under this Article shall be credited to the General Fund as nontax revenue.

(3) Review the educational achievements of an applicant to take the exam to determine whether the achievements meet the requirements set by G.S. 115C-290.7.

(4) Notify the State Board of Education of the names and addresses of the persons who passed the exam and are thereby ~~qualified-recommended~~ to be certified as public school administrators by the State Board of Education.

(5) Maintain accounts and records in accordance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

(6) Adopt rules in accordance with Chapter 150B of the General Statutes to implement this Article.

(7) Submit an annual report by December 1 of each year to the Joint Legislative Education Oversight Committee of its activities during the preceding year, together with any recommendations and findings regarding improvement of the profession of public school administration."

Sec. 46. G.S. 115C-290.6 reads as rewritten:

"§ 115C-290.6. (Effective January 1, 1997) Application ~~for qualification by~~ to the Standards Board.

An individual who seeks to be ~~qualified-recommended~~ by the Standards Board ~~as a public school administrator, thereby becoming eligible~~ for certification by the State Board of Education, shall file a written application with the Standards Board. The application must be on a form provided by the Standards Board, must be accompanied by the required application and exam fees established by the Standards Board, and must include any information required by the Standards Board."

Sec. 47. G.S. 115C-290.7 reads as rewritten:

"§ 115C-290.7. (Effective January 1, 1997) ~~Qualification-Recommendation~~ by the Standards Board.

3 (a) The Standards Board shall ~~qualify-recommend~~ for certification by the State
4 Board an individual who submits a complete application to the Standards Board and
5 satisfies all of the following requirements:

(1) Pays the application fee established by the Standards Board.

- (2) Pays the exam fee established by the Standards Board.
- (3) Has a bachelors degree from an accredited college or university and has a graduate degree from a public school administration program that meets the public school administrator program approval standards set by the State Board of Education.
- (4) Passes the exam.

1 (b) The State Board of Education may not certify an individual as a public school
2 administrator unless it has received notice from the Standards Board of the individual's
3 qualification that the person is recommended by the Standards Board under this Article."

Sec. 48. G.S. 115C-290.8 reads as rewritten:

"§ 115C-290.8. (Effective January 1, 1997) Exemptions from ~~qualification~~ requirements. The ~~qualification~~ requirements of this Article do not apply to a person who, at any time during the five years preceding January 1, 1997, was engaged in public school administration at either a public school in North Carolina or a school in North Carolina operated by the United States government. A person who is exempt from the ~~qualification~~ requirements of this Article but applies ~~for qualification~~ to the Standards Board under this Article shall be is subject to ~~it~~ the Article."

Sec. 49. G.S. 115C-290.9 reads as rewritten:

"§ 115C-290.9. (Effective January 1, 1997) Grounds for refusal to ~~qualify~~ recommend a person.

The Standards Board may, in accordance with Chapter 150B of the General Statutes, refuse to ~~qualify~~ recommend a person for certification by the State Board of Education for any of the following reasons:

- (1) Submitting a false application ~~for qualification~~ or otherwise attempting to obtain ~~qualification~~ a recommendation from the Standards Board by fraud or misrepresentation.
- (2) Failure to meet the requirements set in G.S. 115C-290.7.
- (3) Violating a provision of this Article or a rule adopted by the Standards Board."

Sec. 50. G.S. 115C-317 reads as rewritten:

"§ 115C-317. Penalty for making false reports or records.

Any school employee of the public schools other than a superintendent, principal, or teacher, who knowingly and willfully makes or procures another to make any false report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets, or other reports required to be made to any board or officer in the performance of his duties, shall be guilty of a Class 1 misdemeanor and the certificate of such person to teach in the public schools of North Carolina shall be revoked by the ~~Superintendent of Public Instruction~~ State Board of Education."

Sec. 51. G.S. 115C-323 reads as rewritten:

"§ 115C-323. Employee health certificate.

All public school employees upon initial employment, and those who have been separated from public school employment more than one school year, including superintendents, supervisors, principals, teachers, and any other employees in the public schools of the State, shall file in the office of the superintendent, before assuming his duties, a certificate from a physician licensed to practice medicine in the State of North Carolina, certifying that said person does not have tuberculosis in the communicable

form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his duties. A local school board or a superintendent may require any person herein named to take a physical examination when deemed necessary.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, file with the superintendent a physician's certificate certifying that the individual is free from any communicable disease.

The examining physician shall make the aforesaid certificates on an examination form supplied by the ~~Superintendent of Public Instruction~~ State Board of Education. The certificate shall be issued only after a physical examination has been made at the time of the certification, and such examination shall be in accordance with rules ~~and regulations~~ adopted by the ~~Superintendent of Public Instruction~~ State Board of Education, with approval of the Secretary of Environment, Health, and Natural Resources, and ~~such these~~ rules ~~and regulations~~ may include the requirement of an X-ray chest examination for all new employees of the public school system.

It shall be the duty of the superintendent of the school in which the person is employed to enforce the provisions of this section.

Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor."

Sec. 52. G.S. 115C-325(g) reads as rewritten:

"(g) Professional Review Committee; Qualifications; Terms; Vacancy; Training.

(1) There is hereby created a Professional Review Committee which shall consist of 132 citizens, 11 from each of the State's congressional districts, five of whom shall be lay persons and six of whom shall have been actively and continuously engaged in teaching or in supervision or administration of schools in this State for the five years preceding their appointment and who are broadly representative of the profession, to be appointed by the ~~Superintendent of Public Instruction with the advice and consent of the State Board of Education~~. Each member shall be appointed for a term of three years. The initial terms of office of the persons appointed from the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1995. The ~~Superintendent of Public Instruction, with the advice and consent of the State Board of Education~~, shall fill any vacancy which may occur in the Committee. The person appointed to fill the vacancy shall serve for the unexpired portion of the term of the member of the Committee whom he is appointed to replace.

(2) The ~~Superintendent of Public Instruction~~ State Board of Education shall provide for the Committee ~~such any training as he it~~ considers necessary or desirable for the purpose of enabling the members of the Committee to perform the functions required of them.

(3) The compensation of committee members while serving as a member of a hearing panel shall be as for State boards and commissions ~~pursuant to under~~ G.S. 138-5. The compensation shall be paid by the State Board of Education."

Sec. 53. G.S. 115C-325(h)(4) reads as rewritten:

"(4) If a request for review is made, the superintendent, within five days of filing such request for review, shall notify the ~~Superintendent of Public Instruction who, State Board of Education which,~~ within seven days from the time of receipt of such notice, shall designate a panel of five members of the Committee, at least two of whom shall be lay persons, who shall not be employed in or be residents of the county in which the request for review is made, to review the proposed recommendations of the superintendent for the purpose of determining whether in its opinion the grounds for the recommendation are true and substantiated. The teacher or principal making the request for review shall have the right to require that at least two members of the panel shall be members of his professional peer group."

Sec. 54. G.S. 115C-325(i)(1) reads as rewritten:

"(1) The career teacher and superintendent will each have the right to designate not more than 33 of the 132 members of the Professional Review Committee as not acceptable to the teacher or superintendent respectively. No person so designated shall be appointed to the panel. The career teacher shall specify to the superintendent those Committee members who are not acceptable in his request for a review of the superintendent's proposed recommendations provided for in ~~subdivision (h)(3) above.~~ G.S. 115C-325(h)(3). The superintendent's notice to the ~~Superintendent of Public Instruction provided for in subdivision (h)(4) above.~~ State Board of Education provided for in G.S. 115C-325(h)(4) shall contain a list of those members of the Committee not acceptable to the superintendent and the teacher respectively. Failure to designate nonacceptable members in accordance with this subsection shall constitute a waiver of that right."

Sec. 55. G.S. 115C-381 reads as rewritten:

"§ 115C-381. School social workers; reports; prosecutions.

~~The Superintendent of Public Instruction~~ State Board of Education shall ~~prepare such~~ adopt any rules and procedures and furnish ~~such blanks~~ any forms for teachers and other school officials as may be necessary for reporting ~~such~~ any case of unlawful absence or lack of attendance to the school social worker of the respective local school administrative units. ~~Such~~ These rules shall provide, among other things, for a notification in writing, to the person responsible for the nonattendance of any child, that the case is to be reported to the school social worker of the local school administrative unit unless the law is complied with immediately. Upon recommendation of the superintendent, local boards of education may employ school social workers and such school social workers shall have authority to report and verify on oath the necessary criminal warrants or other documents for the prosecutions of violations of this Part: Provided, that local school administrative units shall provide in their local operating budgets for travel and necessary office expense for such school social workers as may be employed through State or local funds, or both. The State Board of Education shall determine the process for allocating school social workers to the various local school administrative units, establish their qualifications, and develop a salary schedule which shall be applicable to such personnel: Provided, that persons now employed by local boards of education as attendance counselors shall be deemed qualified as school social workers under the terms of this Part subject to the approval of said local boards of education.

The school social worker shall investigate all violators of the provisions of this Part. The reports of unlawful absence required to be made by teachers and principals to the school social worker shall, in his hands, in case of any prosecution, constitute prima facie evidence of the violation of this Part and the burden of proof shall be upon the defendant to show the lawful attendance of the child or children upon an authorized school."

Sec. 56. G.S. 115C-418(b) reads as rewritten:

1 "(b) ~~The Superintendent of Public Instruction~~ State Board of Education shall appoint a
2 State task force to assist the ~~Superintendent~~ State Board in reviewing grant applications.
3 The State task force shall include representatives of the Department of Public Instruction,
4 local school administrative units, educators, parents, the juvenile justice system, social
5 services, and nongovernmental agencies providing services to children, and other
6 members the Superintendent deems appropriate. In reviewing grant applications, the
7 ~~Superintendent~~ State Board and the State task force shall consider the severity of the local
8 problems with regard to violence in the schools and the likelihood that the locally
9 designed plan will deal with the problems successfully."

Sec. 57. G.S. 115C-418(c) reads as rewritten:

10 "(c) The State Board of Education shall consider the recommendations of the
11 ~~Superintendent~~ State task force in selecting grant recipients. The State Board shall also
12 attempt to give grants to local school administrative units that are located geographically
13 throughout the State, that have different demographic profiles, and that propose different
14 approaches to their problems. The State Board shall select grant recipients prior to
15 January 1, 1994."

Sec. 58. G.S. 115C-418(d) reads as rewritten:

16 "(d) ~~The Superintendent of Public Instruction~~ State Board of Education shall
17 administer the grant program and provide technical assistance to grant applicants and
18 recipients."

Sec. 59. G.S. 115C-458 reads as rewritten:

"§ 115C-458. Loans by State Board from State Literary Fund.

The State Literary Fund includes all funds derived from the sources enumerated in Sec. 6, Article IX, of the Constitution, and all funds that may be hereafter so derived, together with any interest that may accrue thereon. This Fund shall be separate and distinct from other funds of the State.

The State Board of Education, under ~~such any rules and regulations~~—as it may deem advisable, not inconsistent with the provisions of this Article, may make loans from the State Literary Fund to the counties for the use of local boards of education under ~~such any rules and regulations~~ as it may adopt and according to law for the purpose of aiding in the erection and equipment of school plants, maintenance buildings and transportation garages. No warrant for the expenditure of money for ~~such these~~ purposes shall be issued except upon the order of the ~~Superintendent of Public Instruction with the approval of the~~ State Board of Education."

Sec. 60. G.S. 115C-468(c) reads as rewritten:

"(c) ~~The Superintendent of Public Instruction~~ State Board of Education may earmark up to twenty percent (20%) of the funds available for scholarship loans each year for awards to

applicants who have been employed for at least one year as teacher assistants and who are currently employed as teacher assistants. Preference for these scholarship loans from funds earmarked for teacher assistants shall be given to applicants who already hold a baccalaureate degree or who have already been formally admitted to an approved teacher education program in North Carolina."

Sec. 61. G.S. 115C-469 reads as rewritten:

"§ 115C-469. Appropriations paid into fund; how administered.

Such funds as may be appropriated by the General Assembly to said fund or to the State Board of Education for the purpose of a student loan fund for teacher education shall be paid into the Scholarship Loan Fund for Prospective Teachers and administered by the State Board of Education ~~and the State Superintendent of Public Instruction~~ as follows:

During the first year of the 1957-1959 biennium, to provide for prospective teachers not to exceed 300 regular scholarship loans in the amount of not more than three hundred fifty dollars (\$350.00) each, and for the second year of the biennium to provide for such persons not to exceed 600 regular scholarship loans in the amount of not more than three hundred fifty dollars (\$350.00) each, and for each summer of said biennium to provide for prospective teachers and for teachers taking undergraduate courses not to exceed 200 summer school scholarship loans in the amount of not more than seventy-five dollars (\$75.00) each; provided, however, the State Board of Education in its discretion may, within the funds available, vary the number and proportion of regular and summer scholarship loans to be established in any one year.

During years after the first biennium in which this fund ~~shall be~~ is established, loans of the type and amounts provided for during the first biennium shall be made in such numbers and amounts and proportions as the State Board of Education in its discretion may prescribe within the funds available from appropriations or otherwise."

Sec. 62. G.S. 115C-471 reads as rewritten:

"§ 115C-471. Fund administered by State ~~Superintendent of Public Instruction; rules and regulations.~~ Board of Education; rules.

~~The Scholarship Loan Fund for Prospective Teachers shall be administered by the State Superintendent of Public Instruction, under rules adopted by the State Board of Education and The State Board of Education shall adopt rules and shall administer the Scholarship Loan Fund for Prospective Teachers. These rules are subject to the following directions and limitations:~~

(1) Any resident of North Carolina who is interested in preparing to teach in the public schools of the State may apply in writing to the State ~~Superintendent of Public Instruction~~ Board of Education for a regular scholarship loan in the amount of not more than two thousand dollars (\$2,000) per academic school year. An applicant who has been employed for at least one year as a teacher assistant and who is currently employed as a teacher assistant may apply for a scholarship loan from funds earmarked for teacher assistants in the amount of not more than one thousand two hundred dollars (\$1,200) per academic school year.

(2) All scholarship loans shall be evidenced by notes made payable to the State Board of Education that bear interest at the rate of six percent (6%) per annum from and after

September 1 following fulfillment by a prospective teacher of the requirements for a certificate based upon the entry level degree; or in the case of persons already teaching in the public schools who obtain scholarship loans, the notes shall bear interest at the prescribed rate from and after September 1 of the school year beginning immediately after the use of the scholarship loans; or in the event any such scholarship is terminated under the provisions of subdivision (3) of this section, the notes shall bear interest from the date of termination. A minor recipient who signs a note shall also obtain the endorsement thereon by a parent, if there be a living parent, unless the endorsement is waived by the ~~Superintendent of Public Instruction~~. State Board of Education. The minor recipient shall be obligated upon the note as fully as if the recipient were of age and shall not be permitted to plead such minority as a defense in order to avoid the obligations undertaken upon the notes.

(3) Each recipient of a scholarship loan under the provisions of this program shall be eligible for scholarship loans each year until the recipient has qualified for a certificate based upon the entry level degree, but the recipient shall not be so eligible for more than the minimum number of years normally required for qualifying for the certificate. The permanent withdrawal of any recipient from college or failure of the recipient to do college work in a manner acceptable to the State ~~Superintendent of Public Instruction~~ Board of Education shall immediately forfeit the recipient's right to retain the scholarship and subject the scholarship to termination by the State ~~Superintendent of Public Instruction~~ in the ~~Superintendent's~~ Board of Education in the Board's discretion. All terminated scholarships shall be regarded as vacant and subject to being awarded to other eligible persons.

(4) Except under emergency conditions applicable to the State ~~Superintendent of Public Instruction~~, Board of Education, recipients of scholarship loans shall enter the public school system of North Carolina at the beginning of the next school term after qualifying for a certificate based upon the entry level degree or, in case of persons already teaching in the public schools, at the beginning of the next school term after the use of the loan. All teaching service for which the recipient of any scholarship loan is obligated shall be rendered by August 31 of the seventh school year following graduation.

(5) For each full school year taught in a North Carolina public school, the recipient of a scholarship loan shall receive credit upon the amount due by reason of the loan equal to the loan amount for a school year as provided in the note plus credit for the total interest accrued on that amount; provided, however, that in lieu of teaching in the public school, a recipient may elect to pay in cash the full amount of scholarship loans received plus interest then due thereon or any part thereof that has not been canceled by the State Board of Education by reason of teaching service rendered.

(6) If any recipient of a scholarship loan dies during the period of attendance at a college or university under a scholarship loan or before the scholarship loan is satisfied by payment or teaching service, any balance shall be automatically canceled.

If any recipient of a scholarship loan fails to fulfill the recipient's obligations under subdivision (4) of this section, other than as provided above, the amount of the loan and accrued interest, if any, shall be due and payable from the time of failure to fulfill the recipient's obligations.

(7) The State ~~Superintendent of Public Instruction~~ Board of Education shall award scholarship loans with due consideration to factors and circumstances such as aptitude, purposefulness, scholarship, character, financial need, and geographic areas or subjects of instruction in which the demands for teachers are greatest. Since the primary purpose of this Article is to attract worthy young people to the teaching profession, preference for scholarship loans, except for the scholarship loans from funds earmarked for teacher assistants, shall be given to high school seniors in the awarding of scholarships. In awarding scholarship loans from funds earmarked for teacher assistants, preference shall be given to applicants who have already earned a baccalaureate degree or who have been formally admitted to an approved teacher education program in North Carolina."

Sec. 63. G.S. 115C-472.5 reads as rewritten:

"§ 115C-472.5. (For effective date see note) Creation of the Fund; administration.

1 (a) The ~~Department of Public Instruction~~ State Board of Education shall administer
2 the Computer Loan Revolving Fund. The Fund shall be used to provide loans to local
3 school administrative units to enable them to purchase computer equipment to implement
4 the Uniform Education Reporting System in accordance with the standards adopted by
5 the State Board of Education pursuant to under G.S. 115C-12(18).

6 (b) A loan shall be for the actual amount of the equipment up to a maximum to be
7 determined by the ~~Superintendent~~ State Board.

8 (c) Loans shall be evidenced by notes made payable to the ~~Department of Public~~
9 ~~Instruction~~ State Board of Education. The rate, term, and other conditions of the note
10 shall be determined in accordance with uniform policies established by the ~~Superintendent~~.
11 State Board of Education.

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

Sec. 64. G.S. 115C-525(b)(3) reads as rewritten:

"(3) It shall be the duty of the Commissioner of ~~Insurance, the Superintendent of Public~~
~~Instruction~~, Insurance and the State Board of Education to prescribe any additional rules
and regulations which they may deem that they consider necessary in connection with such
inspections and reports for the reduction of fire hazards and protection of life and
property in public schools."

Sec. 65. G.S. 20-7(m) reads as rewritten:

"(m) Instruction Permit. – The Division upon receiving proper application may in its
discretion issue a restricted instruction permit effective for a school year or a lesser
period to any of the following applicants:

(1) An applicant who is less than 18 years old and is enrolled in a drivers education
program that is approved by the State ~~Superintendent of Public Instruction~~ Board of
Education and is offered at a public high school, a nonpublic secondary school, or a
licensed drivers training school.

(2) An applicant for certification under G.S. 20-218 as a school bus driver.

A restricted instruction permit authorizes the holder of the permit to drive a specified type or class of motor vehicle when in possession of the permit, subject to any restrictions imposed by the Division. The restrictions the Division may impose on a permit include restrictions to designated areas and highways and restrictions prohibiting operation except when an approved instructor is occupying a seat beside the permittee. A restricted instruction permit is not required to have a distinguishing number or a picture of the person to whom the permit is issued."

Sec. 66. G.S. 20-11(a) reads as rewritten:

1 "(a) The Division shall not grant the application of any minor between the ages of
2 16 and 18 years for a driver's license or a learner's permit unless such application is
3 signed both by the applicant and by the parent, guardian, husband, wife or employer of
4 the applicant, or, if the applicant has no parent, guardian, husband, wife or employer
5 residing in this State, by some other responsible adult person. It shall be unlawful for any
6 person to sign the application of a minor under the provisions of this section when such
7 application misstates the age of the minor and any person knowingly violating this
8 provision shall be guilty of a Class 2 misdemeanor.

The Division shall not grant the application of any minor between the ages of 16 and 18 years for a driver's license unless such minor presents evidence of having satisfactorily completed the driver training and safety education courses offered at the public high schools as provided in G.S. 20-88.1 or upon having satisfactorily completed a course of driving instruction offered at a licensed commercial driver training school or an approved nonpublic secondary school, provided instruction offered in such schools shall be approved by the State Commissioner of Motor Vehicles and the State ~~Superintendent of Public Instruction~~ Board of Education and all expenses for such instruction shall be paid by the persons enrolling in such courses and/or by the schools offering them."

Sec. 67. G.S. 20-88.1 reads as rewritten:

"§ 20-88.1. Driver education.

9 (a) In accordance with criteria and standards ~~approved by the State Board of~~
10 ~~Education, the State Superintendent of Public Instruction~~ it has adopted, the State Board of
11 Education shall organize and administer a program of driver education to be offered at
12 the public high schools of this State for all physically and mentally qualified persons who
13 (i) are older than 14 years and six months, (ii) are approved by the principal of the school,
14 pursuant to rules adopted by the State Board of Education, (iii) are enrolled in a public or
15 private high school within the State, and (iv) have not previously enrolled in the program.
16 The State Board of Education shall use for such purpose all funds appropriated to it for
17 said purpose, and may use all other funds that become available for its use for said
18 purpose. The driver education program established pursuant to this section shall include
19 instructions on the rights and privileges of the handicapped and the signs and symbols
20 used to assist the handicapped relative to motor vehicles, including the 'international
21 symbol of accessibility' and other symbols and devices as provided in Article 2A of this
22 Chapter. In addition, this program shall include at least six hours of instruction on the
23 offense of driving while impaired and related subjects.

1 (b) The State Board of Education shall adopt a salary range for driver education
2 instructors who are public school employees and who do not hold teacher certificates.
Driver education instructors who are public school employees and who hold teacher
certificates shall be paid on the teacher salary schedule. A day of employment for driver
education instructors who hold teacher certificates shall be the same number of hours
required of all regular classroom teachers as established by the local board of education.

(b1) The State Board of Education shall adopt rules to permit local boards of education
to enter contracts with public or private entities to provide a program of driver education
at public high schools. All driver education instructors shall meet the requirements
established by the State Board of Education; provided, however, driver education
instructors shall not be required to hold teacher certificates.

3 (c) All expenses incurred by the State in carrying out the provisions of this section
4 shall be paid out of the Highway Fund.

5 (d) The Division shall prepare a driver license handbook that explains the traffic
6 laws of the State and shall periodically revise the handbook to reflect changes in these
7 laws. At the request of the Department of ~~Education~~, Public Instruction, the Division shall
8 provide free copies of the handbook to that Department for use in the program of driver
9 education offered at public high schools."

Sec. 68. G.S. 20-129(4) reads as rewritten:

"(4) At any other time when windshield wipers are in use as a result of smoke, fog,
rain, sleet, or snow, or when inclement weather or environmental factors severely reduce
the ability to clearly discern persons and vehicles on the street and highway at a distance
of 500 feet ahead, provided, however, the provisions of this subdivision shall not apply to
instances when windshield wipers are used intermittently in misting rain, sleet, or snow.
Any person violating this subdivision during the period from October 1, 1990, through
December 31, 1991, shall be given a warning of the violation only. Thereafter, any
person violating this subdivision shall have committed an infraction and shall pay a fine
of five dollars (\$5.00) and shall not be assessed court costs. No drivers license points,
insurance points or premium surcharge shall be assessed on account of violation of this
subdivision and no negligence or liability shall be assessed on or imputed to any party on
account of a violation of this subdivision. The Commissioner of Motor Vehicles and the
~~Superintendent of Public Instruction~~ State Board of Education shall incorporate into driver
education programs and driver licensing programs instruction designed to encourage
compliance with this subdivision as an important means of reducing accidents by making
vehicles more discernible during periods of limited visibility."

Sec. 69. G.S. 20-321(b) reads as rewritten:

"(b) The Commissioner shall administer and enforce the provisions of this Article, and
may call upon the State ~~Superintendent of Public Instruction~~ Board of Education for
assistance in developing and formulating appropriate regulations."

Sec. 70. G.S. 58-79-35 reads as rewritten:

"§ 58-79-35. Fire prevention and Fire Prevention Day.

It is the duty of the Commissioner of Insurance, the Superintendent of Public Instruction
and the State Board of Education to provide a pamphlet containing printed instructions

for properly conducting fire drills in all schools and auxiliary school buildings and the principal of every public and private school shall conduct at least one fire drill every month during the regular school session in each building in his charge where children are assembled. The fire drills shall include all children and teachers and the use of various ways of egress to assimilate evacuation of said buildings under various conditions, and ~~such any~~ other regulations as prescribed by the Commissioner of ~~Insurance, Superintendent of Public Instruction~~ Insurance and State Board of Education.

The Commissioner of ~~Insurance and Insurance~~, the Superintendent of Public Instruction and the State Board of Education shall further provide for the teaching of 'Fire Prevention' in the colleges and schools of the State, and to arrange for a textbook adapted to such use. The ninth day of October of every year shall be set aside and designated as 'Fire Prevention Day,' and the Governor shall issue a proclamation urging the people to a proper observance of the day, and the Commissioner of Insurance shall bring the day and its observance to the attention of the officials of all organized fire departments of the State, whose duty it shall be to disseminate the materials and to arrange suitable programs to be followed in its observance."

Sec. 71. G.S. 105A-2(1) reads as rewritten:

"(1) 'Claimant agency' means and includes:

- a. The State Education Assistance Authority as enabled by Article 23 of Chapter 116 of the General Statutes;
- b. The North Carolina Department of Human Resources when in the exercise of its authority to collect health profession student loans made pursuant to G.S. 131-121;
- c. The North Carolina Department of Human Resources when in the performance of its duties under the Medical Assistance Program enabled by Chapter 108A, Article 2, Part 6, and any county operating the same Program at the local level, when and only to the extent such a county is in the performance of Medical Assistance Program collection functions;
- d. The North Carolina Department of Human Resources when in the performance of its duties, under the Child Support Enforcement Program as enabled by Chapter 110, Article 9 and Title IV, Part D of the Social Security Act to obtain indemnification for past paid public assistance or to collect child support arrearages owed to an individual receiving program services and any county operating the program at the local level, when and only to the extent that the county is engaged in the performance of those same duties;
- e. The University of North Carolina, including its constituent institutions as specified by G.S. 116-2(4);
- f. The University of North Carolina Hospitals at Chapel Hill in the conduct of its financial affairs and operations pursuant to G.S. 116-37;
- g. The Board of Governors of the University of North Carolina and the State Board of Education through the College Scholarship Loan Committee when in the performance of its duties of administering the Scholarship Loan Fund for Prospective College Teachers enabled by Chapter 116, Article 5;
- h. The Office of the North Carolina Attorney General on behalf of any State agency when the claim has been reduced to a judgment;

- i. The State Board of Community Colleges through community colleges as enabled by Chapter 115D in the conduct of their financial affairs and operations;
- j. State facilities as listed in G.S. 122C-181(a), School for the Deaf at Morganton, North Carolina Sanatorium at McCain, Western Carolina Sanatorium at Black Mountain, Eastern North Carolina Sanatorium at Wilson, and Gravelly Sanatorium at Chapel Hill under Chapter 143, Article 7; Governor Morehead School under Chapter 115, Article 40; Central North Carolina School for the Deaf under Chapter 115, Article 41; Wright School for Treatment and Education of Emotionally Disturbed Children under Chapter 122C; and these same institutions by any other names by which they may be known in the future;
- k. The North Carolina Department of Revenue;
- l. The Administrative Office of the Courts;
- m. The Division of Forest Resources of the Department of Environment, Health, and Natural Resources;
- n. The Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan, established in Article 3 of General Statutes Chapter 135;
- o. The State Board of Education ~~through the Superintendent of Public Instruction~~ when in the performance of ~~his~~-its duties of administering the Scholarship Loan Fund for Prospective Teachers enabled by Chapter 115C, Article 32A and the scholarship loan and grant programs enabled by Chapter 115C, Article 24C, Part 1;
- p. The Board of Trustees of the Teachers' and State Employees' Retirement System and the Board of Trustees of the Local Governmental Employees' Retirement System in the performance of their duties pursuant to Chapters 120, 128, 135 and 143 of the General Statutes;
- q. The North Carolina Teaching Fellows Commission in the performance of its duties pursuant to Chapter 115C, Article 24C, Part 2;
- r. The North Carolina Department of Human Resources when in the performance of its intentional program violation collection duties under the Food Stamp Program enabled by Chapter 108A, Article 2, Part 5, and any county operating the same Program at the local level, when and only to the extent such a county is in the performance of Food Stamp Program intentional program violation collection functions.
The North Carolina Department of Human Resources when, in the performance of its duties under the Aid to Families with Dependent Children Program or the Aid to Families with Dependent Children – Emergency Assistance Program provided in Part 2 of Article 2 of Chapter 108A or under the State-County Special Assistance for Adults Program provided in Part 3 of Article 2 of Chapter 108A, it seeks to collect public assistance payments obtained through an intentional false statement, intentional misrepresentation, or intentional failure to disclose a material fact;
- s. The Employment Security Commission of North Carolina;
- t. Any State agency in the collection of salary overpayments from former employees."

Sec. 72. G.S. 116C-1(b) reads as rewritten:

1 "(b) The Education Cabinet shall consist of the Governor, who shall serve as chair,
2 the chair of the Board of Governors of The University of North Carolina, the President of
3 The University of North Carolina, the chair of the State Board of Education, the State
4 Superintendent of Public Instruction, the chair of the State Board of Community
5 Colleges, and the President of the North Carolina Community College System. The
6 Education Cabinet shall invite representatives of private education to participate in its
7 deliberations as adjunct members."

Sec. 73. Article 5 of Chapter 143A of the General Statutes reads as rewritten:

"ARTICLE 5.

"Department of Public Instruction.

"§ 143A-39. Creation.

There is hereby created a Department of Public Instruction. The head of the Department of Public Instruction is the State Board of Education. Any provision of G.S. 143A-9 to the contrary notwithstanding, the appointment of the State Board of Education shall be as prescribed in Article IX, Sec. 4(1) of the Constitution.

"§ 143A-40. State Board of Education; powers and duties.

The State Board of Education shall have such powers and duties as are conferred on the Board by this Chapter, delegated to the Board by the Governor and conferred by the Constitution and laws of this State.

"§ 143A-42. Superintendent of Public Instruction; powers and duties.

The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education, and shall have such powers and duties as are conferred by the Constitution, by the laws of this State, and by the State Board of Education.

"§ 143A-45. Interstate Compact for Education; rights, duties and privileges.

All of the rights, duties and privileges of this State obtained as a party to the Interstate Compact for Education as contained in Part 5 of Article 8 of Chapter 115C of the General Statutes and the laws of this State, shall be supervised and administered by the ~~Superintendent of Public Instruction.~~ State Board of Education.

"§ 143A-47. Interstate Agreement on Qualifications of Educational Personnel; rights, duties and privileges.

All of the rights, duties and privileges of this State obtained as a party to the Interstate Agreement on Qualifications of Educational Personnel as contained in Article 24 of Chapter 115C of the General Statutes and the laws of this State shall be supervised and administered by the ~~Superintendent of Public Instruction.~~ State Board of Education.

"§ 143A-48. Textbook Commission; transfer.

The Textbook Commission, as created by G.S. 115C-87 and the laws of this State, is hereby transferred by a Type I transfer to the Department of Public Instruction."

Sec. 74. G.S. 143B-152.5(b) reads as rewritten:

8 "(b) The Secretary of Human Resources shall appoint a State task force to assist the
9 Secretary in reviewing grant applications. The State task force shall include
10 representatives of the Department of Human Resources, the Department of Public
11 Instruction, local school administrative units, educators, parents, the juvenile justice

1 system, social services, and governmental agencies providing services to children, and
2 other members the Secretary considers appropriate. In appointing the State task force,
3 the Secretary shall consult with the ~~Superintendent of Public Instruction~~ State Board of
4 Education in an effort to coordinate the membership of this State task force, the State task
5 force appointed by the Secretary pursuant to under G.S. 143B-152.14, and the State task
6 force appointed by the ~~Superintendent pursuant to~~ State Board of Education under G.S.
7 115C-238.42.

In reviewing grant applications, the Secretary and the State task force may consider (i) the severity of the local problems as determined by the needs assessment data, (ii) the likelihood that the locally designed plan will result in high quality after-school services for school-aged children, (iii) evidence of local collaboration and coordination of services, (iv) any innovative or experimental aspects of the plan that will make it a useful model for replication in other neighborhoods and communities, and (v) any other factors which affect the well-being of school-aged children."

Sec. 75. G.S. 143B-152.6 reads as rewritten:

"§ 143B-152.6. Cooperation of State and local agencies.

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Human Resources, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Human Resources, after consultation with the ~~Superintendent of Public Instruction~~ State Board of Education, shall develop a plan for ensuring the cooperation of State agencies and local agencies, and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program."

Sec. 76. G.S. 143B-152.13(b) reads as rewritten:

8 "(b) The Secretary of Human Resources shall appoint a State task force to assist the
9 Secretary in reviewing grant applications. The State task force shall include
10 representatives of the Department of Human Resources, the Department of Public
11 Instruction, local school administrative units, educators, parents, the juvenile justice
12 system, social services, and governmental agencies providing services to children, and
13 other members the Secretary considers appropriate. In appointing the State task force,
14 the Secretary shall consult with the ~~Superintendent of Public Instruction~~ State Board of
15 Education in an effort to coordinate the membership of this State task force, the State task
16 force appointed by the Secretary pursuant to under G.S. 143B-152.5, and the State task
17 force appointed by the ~~Superintendent pursuant to~~ State Board of Education under G.S.
18 115C-238.42.

In reviewing grant applications, the Secretary and the State task force may consider (i) the severity of the local problems as determined by the needs assessment data, (ii) the likelihood that the locally designed plan will result in high quality services for children and their families, (iii) evidence of local collaboration and coordination of services, (iv)

any innovative or experimental aspects of the plan that will make it a useful model for replication in other counties, (v) the availability of other resources or funds, (vi) the incidence of crime and juvenile delinquency, (vii) the amount needed to implement the proposal, and (viii) any other factors consistent with the intent of this Part."

Sec. 77. G.S. 143B-152.14 reads as rewritten:

"§ 143B-152.14. Cooperation of State and local agencies.

All agencies of the State and local government, including departments of social services, health departments, local mental health, mental retardation, and substance abuse authorities, court personnel, law enforcement agencies, The University of North Carolina, the community college system, and cities and counties, shall cooperate with the Department of Human Resources, and local nonprofit corporations that receive grants in coordinating the program at the State level and in implementing the program at the local level. The Secretary of Human Resources, after consultation with the ~~Superintendent of Public Instruction~~, State Board of Education, shall develop a plan for ensuring the cooperation of State agencies and local agencies and encouraging the cooperation of private entities, especially those receiving State funds, in the coordination and implementation of the program."

Sec. 78. G.S. 143B-179.5(f) reads as rewritten:

"(f) The Council shall prepare and submit an annual report to the Governor and to the General Assembly on the status of the early intervention system for eligible infants and toddlers and on the status of special education services for preschoolers.

All clerical and other services required by the Council shall be supplied by the Secretary of Human Resources and the ~~Superintendent of Public Instruction~~, State Board of Education, as specified by the interagency agreement authorized by G.S. 122C-112(a)(13)."

Sec. 79. G.S. 143B-216.31(4) reads as rewritten:

"(4) To study any State programs that provide educational services for deaf and hard of hearing persons and to advise the Secretary of the Department of Human Resources and the ~~Superintendent of Public Instruction~~ State Board of Education concerning coordination of these programs to prevent duplication of services; and"

Sec. 80. G.S. 143B-216.33(a)(1) reads as rewritten:

"(1) To review existing programs for persons who are deaf or hard of hearing in the State, and make recommendations to the Secretary of the Department of Human Resources and to the ~~Superintendent of the Department of Public Instruction~~ State Board of Education for improvements to such programs;"

Sec. 81. G.S. 143B-285.25 reads as rewritten:

"§ 143B-285.25. Liaison between the Office of Environmental Education and the Department of Public Instruction.

The ~~Superintendent of the Department of Public Instruction~~ State Board of Education shall identify an environmental education liaison within the ~~Office of Instructional Services of the Department of Public Instruction~~ to:

(1) Coordinate environmental education within the State curriculum and among the Department and other State agencies.

- (2) Conduct teacher training in environmental education topics in conjunction with Department and other State agencies.
- (3) Coordinate and integrate topics within the various curriculum areas of the standard course of study.
- (4) Promote awareness of environmental issues to the public and to the school communities, including students, teachers, and administrators.
- (5) Establish a repository of environmental education instructional materials and disseminate information on the availability of these materials to schools.
- (6) Promote and facilitate the sharing of information through electronic networks to all schools."

Sec. 82. The State Board of Education shall review all State laws and policies governing the public school system to ensure their compliance with the intent of this act to restore constitutional authority to the Board. The Board shall complete this review and make any recommendations for additional statutory changes to the General Assembly no later than June 1, 1995.

Sec. 83. Sections 43, 46, 47, 48, and 49 become effective January 1, 1997. The remainder of this act is effective upon ratification.