

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 1173

Short Title: Elect SBE Members/Super as Chair of SBE. (Public)

Sponsors: Representatives Blackwell, Torbett, Hardister, and Zachary (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Rules, Calendar, and Operations of the House

June 20, 2022

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ELECT MEMBERS OF THE STATE BOARD OF EDUCATION, TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE CHAIR OF THE STATE BOARD OF EDUCATION AS AN EX OFFICIO MEMBER, AND TO REQUIRE THAT VACANCY APPOINTMENTS BY THE GOVERNOR SHALL BE SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY IN JOINT SESSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of Article IX of the Constitution of North Carolina reads as rewritten:

"Sec. 4. State Board of Education.

(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, ~~and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.~~ the Superintendent of Public Instruction, and a number of elected members equal to the membership of the House of Representatives of the Congress of the United States apportioned to the State by federal law.

(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the ~~secretary~~ chair and chief administrative officer of the State Board of Education.

(3) Elected Members. Members elected to the State Board of Education shall be elected from the districts established for members of the House of Representatives of the Congress of the United States by the voters of those districts in the manner prescribed by law. Elected members shall serve staggered four-year terms in the manner prescribed by law. Appointments to fill vacancies shall be made by the Governor for the remainder of the unexpired term and shall be subject to confirmation by the General Assembly in joint session in the manner prescribed by law."

SECTION 2.(a) The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held in November 2022, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:



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"[] FOR [] AGAINST

A constitutional amendment providing for the following changes to the State Board of Education, beginning January 1, 2024:

- (1) The Superintendent of Public Instruction will serve as a member and Chair of the State Board of Education.
- (2) All non-ex officio members of the State Board of Education will be elected to four-year terms from the State Congressional Districts.
- (3) All vacancies for elected positions on the State Board will be appointed by the Governor, subject to confirmation by the General Assembly in joint session."

SECTION 2.(b) If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 3. If the amendments are approved by the qualified voters as provided in this act, Section 1 of this act becomes effective January 1, 2024, and applies to terms of office beginning January 1, 2025.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.