

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 48\*

Short Title: Central Office Staff Waivers.

(Public)

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Sponsors: Representatives Barnes, Black, Fussell, Gray, McAllister, Rogers; Wright, Jeffus, Russell, Warner, Gottovi, and Stamey.

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Referred to: Education.

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February 4, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW LOCAL SCHOOL BOARDS TO REQUEST WAIVERS FOR  
CENTRAL OFFICE STAFF AS PROVIDED BY THE SCHOOL IMPROVEMENT  
AND ACCOUNTABILITY ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.3 is amended by adding a new subsection to read:

"(b2) Waivers concerning central office staff—A local board of education may request waivers of State laws, regulations, or policies which are included in the building plans described in subsection (b1) of this section, and it may also request waivers which affect the organization, duties, and assignment of central office staff only. Provided, none of the duties to be performed pursuant to G.S. 115C-436 may be waived. A request for a waiver shall (i) identify the State laws, regulations, or policies that inhibit the local unit's ability to reach its local accountability goals, (ii) set out with specificity the circumstances under which the waiver may be used, and (iii) explain how a waiver of those laws, regulations, or policies will permit the local unit to reach its local goals."

Sec. 2. G.S. 115C-238.6(a) reads as rewritten:

"(a) Prior to June 30 each year, the State Superintendent shall review local school improvement plans submitted by the local school administrative units in accordance with policies and performance indicators adopted by the State Board of Education. If the State Superintendent approves the plan for a local school 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 shall

1 determine whether and to what extent the identified laws, regulations, or policies should  
2 be waived. The State Superintendent shall present that plan and his determination to the  
3 State Board of Education. If the State Board of Education deems it necessary to do so  
4 to enable a local unit to reach its local accountability goals, the State Board, only upon  
5 the recommendation of the State Superintendent, may grant waivers of:

- 6 (1) State laws pertaining to class size, teacher certification, assignment of  
7 teacher assistants, the use of State-adopted textbooks, and the purposes  
8 for which State funds for the public schools, except for funds for  
9 school health coordinators, may be used: Provided, however, the State  
10 Board of Education shall not permit the use of funds for teachers for  
11 expanded programs under the Basic Education Program for any other  
12 purpose;
- 13 (2) All State regulations and policies, except those pertaining to State  
14 salary schedules and employee benefits for school employees, the  
15 instructional program that must be offered under the Basic Education  
16 Program, the system of employment for public school teachers and  
17 administrators set out in G.S. 115C-325, health and safety codes,  
18 compulsory school attendance, the minimum lengths of the school day  
19 and year, and the Uniform Education Reporting System.

20 Except for waivers requested by the local board in accordance with G.S. 115C-  
21 238.3(b2) for central office staff, ~~Waivers-waivers~~ shall be granted only for the specific  
22 schools for which they are requested in building-level plans and shall be used only  
23 under the specific circumstances for which they are requested."

24 Sec. 3. This act is effective upon ratification.