

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 709

Short Title: Salary of Teachers at Residential Schools.

(Public)

Sponsors: Senators Swindell; Atwater and Thomas.

Referred to: Education/Higher Education.

March 21, 2005

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE SECRETARY OF A DEPARTMENT TO SET THE
SALARY SUPPLEMENT FOR TEACHERS WORKING AT SCHOOLS
OPERATED BY THE DEPARTMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-146.21 is amended by adding a new subsection to read:

"(e) The Secretary of Health and Human Services shall set the salary supplement paid to instructional personnel who are licensed by the State Board of Education at the programs operated by the Department of Health and Human Services. The salary supplement shall be at least five percent (5%)."

SECTION 2. G.S. 143B-516(b) reads as rewritten:

"(b) The Secretary shall have the following powers and duties:

- (1) Give leadership to the implementation as appropriate of State policy that requires that youth development centers be phased out as populations diminish.
- (2) Close a State youth development center when its operation is no longer justified and transfer State funds appropriated for the operation of that youth development center to fund community-based programs, to purchase care or services for predelinquents, delinquents, or status offenders in community-based or other appropriate programs, or to improve the efficiency of existing youth development centers, provided the Advisory Budget Commission reviews this action.
- (3) Administer a sound admission or intake program for juvenile facilities, including the requirement of a careful evaluation of the needs of each juvenile prior to acceptance and placement.
- (4) Operate juvenile facilities and implement programs that meet the needs of juveniles receiving services and that assist them to become productive, responsible citizens.

- 1 (5) Adopt rules to implement this Article and the responsibilities of the
2 Secretary and the Department under Chapter 7B of the General
3 Statutes. The Secretary may adopt rules applicable to local human
4 services agencies providing juvenile court and delinquency prevention
5 services for the purpose of program evaluation, fiscal audits, and
6 collection of third-party payments.
- 7 (6) Ensure a statewide and uniform system of juvenile intake, protective
8 supervision, probation, and post-release supervision services in all
9 district court districts of the State. The system shall provide
10 appropriate, adequate, and uniform services to all juveniles who are
11 alleged or found to be undisciplined or delinquent.
- 12 (7) Establish procedures for substance abuse testing for juveniles
13 adjudicated delinquent for substance abuse offenses.
- 14 (8) Plan, develop, and coordinate comprehensive multidisciplinary
15 services and programs statewide for the prevention of juvenile
16 delinquency, early intervention, and rehabilitation of juveniles.
- 17 (9) Develop standards, approve yearly program evaluations, and make
18 recommendations based on the evaluations to the General Assembly
19 concerning continuation funding.
- 20 (10) Collect expense data for every program operated and contracted by the
21 Department.
- 22 (11) Develop a formula for funding, on a matching basis, juvenile court and
23 delinquency prevention services as provided for in this Article. This
24 formula shall be based upon the county's or counties' relative ability to
25 fund community-based programs for juveniles.
- 26 Local governments receiving State matching funds for programs
27 under this Article must maintain the same overall level of effort that
28 existed at the time of the filing of the county assessment of juvenile
29 needs with the Department.
- 30 (12) Assist local governments and private service agencies in the
31 development of juvenile court services and delinquency prevention
32 services and provide information on the availability of potential
33 funding sources and assistance in making application for needed
34 funding.
- 35 (13) Develop and administer a comprehensive juvenile justice information
36 system to collect data and information about delinquent juveniles for
37 the purpose of developing treatment and intervention plans and
38 allowing reliable assessment and evaluation of the effectiveness of
39 rehabilitative and preventive services provided to delinquent juveniles.
- 40 (14) Coordinate State-level services in relation to delinquency prevention
41 and juvenile court services so that any citizen may go to one place in
42 State government to receive information about available juvenile
43 services.

- 1 (15) Appoint the chief court counselor in each district upon the
2 recommendation of the chief district court judge of that district.
- 3 (16) Develop a statewide plan for training and professional development of
4 chief court counselors, court counselors, and other personnel
5 responsible for the care, supervision, and treatment of juveniles. The
6 plan shall include attendance at appropriate professional meetings and
7 opportunities for educational leave for academic study.
- 8 (17) Study issues related to qualifications, salary ranges, appointment of
9 personnel on a merit basis, including chief court counselors, court
10 counselors, secretaries, and other appropriate personnel, at the State
11 and district levels in order to adopt appropriate policies and procedures
12 governing personnel.
- 13 (17a) Set the salary supplement paid to personnel who are employed at
14 juvenile facilities and are licensed by the State Board of Education.
15 The salary supplement shall be at least five percent (5%).
- 16 (18) Designate persons, as necessary, as State juvenile justice officers, to
17 provide for the care and supervision of juveniles placed in the physical
18 custody of the Department."

19 **SECTION 3.** G.S. 148-22.1 reads as rewritten:

20 "**§ 148-22.1. Educational facilities and programs for selected inmates.**

21 (a) The State Department of Correction is authorized to take advantage of aid
22 available from any source in establishing facilities and developing programs to provide
23 inmates of the State prison system with such academic and vocational and technical
24 education as seems most likely to facilitate the rehabilitation of these inmates and their
25 return to free society with attitudes, knowledge, and skills that will improve their
26 prospects of becoming law-abiding and self-supporting citizens. The State Department
27 of Public Instruction is authorized to cooperate with the State Department of Correction
28 in planning academic and vocational and technical education of prison system inmates,
29 but the State Department of Public Instruction is not authorized to expend any funds in
30 this connection.

31 (b) In expending funds that may be made available for facilities and programs to
32 provide inmates of the State prison system with academic and vocational and technical
33 education, the State Department of Correction shall give priority to meeting the needs of
34 inmates who are less than 21 years of age when received in the prison system with a
35 sentence or sentences under which they will be held for not less than six months nor
36 more than five years before becoming eligible to be considered for a parole or
37 unconditional release. These inmates shall be given appropriate tests to determine their
38 educational needs and aptitudes. When the necessary arrangements can be made, they
39 shall receive such instruction as may be deemed practical and advisable for them.

40 (c) The Secretary of Correction shall set the salary supplement paid to personnel
41 who are Division of Prison employees that serve in youth facilities and are licensed by
42 the State Board of Education. The salary supplement shall be at least five percent (5%)."

43 **SECTION 4.** This act becomes effective July 1, 2005.