

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE DRH70328-LEa-27C (02/11)

Short Title: Innovation Through Local Schools. (Public)

Sponsors: Representative Elmore.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE THE K-12 EDUCATIONAL SYSTEM MORE FLEXIBLE,
3 ADAPTABLE, AND ACCOUNTABLE IN ORDER TO FOSTER INNOVATION,
4 CREATIVITY, AND WORKFORCE DEVELOPMENT FOR A CHANGING
5 ECONOMY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Chapter 115C of the General Statutes is amended by adding a new
8 subchapter to read:

9 **"SUBCHAPTER 3A. INNOVATION THROUGH LOCAL SCHOOLS.**

10 "Article 7A.

11 "Curriculum Implementation Plans.

12 **"§ 115C-26.1. Purpose of subchapter.**

13 (a) The purpose of this Article is to make the K-12 educational system more flexible,
14 adaptable, and accountable in order to foster innovation, creativity, and workforce development
15 for a changing economy. To create flexibility and innovation, it is the intent of the General
16 Assembly that the public schools:

17 (1) Move away from a top-down model of administration of curriculum to a
18 bottom-up approach that involves local parents, businesses, school boards,
19 and superintendents in tailoring curriculum to meet local economic needs
20 and the needs of students.

21 (2) Receive limited direction from the Department of Public Instruction that
22 deals primarily with basic functions and collection of statewide data, thus
23 allowing an environment of new and different ideas across the State.

24 (3) Measure accountability primarily at the local level but administer nationally
25 accepted tests to permit comparisons with other states.

26 **"§ 115C-26.2. Curriculum implementation plans.**

27 (a) Local school administrative units shall develop curriculum implementation plans
28 that include the following:

29 (1) The mission and belief statements of the local school administrative unit. –
30 The local board of education, in coordination with the superintendent, shall
31 develop an overall mission statement for the local school administrative unit.
32 The schools, in coordination with the superintendent, shall develop belief
33 statements based on local needs, the student population served by those
34 schools, and the concerns of parents.



- 1 (2) Curriculum. – The local school administrative unit, under the direction of the
2 superintendent, shall develop curriculum in addition to the basic State
3 curriculum. The curriculum implementation plan shall include:
4 a. A description of locally developed courses, the students to be served
5 in those courses, and the anticipated academic outcomes.
6 b. A plan for alternative learning programs or alternative schools
7 developed in accordance with G.S. 115C-105.47A.
8 c. Any plan developed in accordance with Part 7 of Article 16 of
9 Chapter 115C of the General Statutes to provide extended services
10 programs that will expand students' opportunities for educational
11 success through high-quality, integrated access to instructional
12 programming during nonschool hours.
13 (3) Instruction. – The local school administrative unit shall be responsible for
14 instructional models used in its schools. The local school administrative unit
15 shall provide training and staff development for its personnel that aligns with
16 its mission and belief statements and shall report to the Department of Public
17 Instruction on that training and staff development.
18 (4) Formative/summative assessment and evaluation. – The
19 formative/summative assessment and evaluation component of the plan shall
20 include:
21 a. Summative assessments for subjects taught in unit. These
22 assessments may vary based on the needs of the individual schools
23 and programs.
24 b. Administration of the following tests:
25 1. A nationally accepted test adopted by the State Board of
26 Education in accordance with G.S. 115C-174.11(c) to all
27 students in grades three and five.
28 2. The Pre-ACT test in grades eight, 10, and 11.
29 3. The ACT test in high school.
30 The local school administrative unit shall report the results of these
31 tests to the State Superintendent of Public Instruction.
32 c. A system for evaluating teachers, principals, and other personnel
33 designed by the superintendent. Under the plan, local supplements
34 may be used to create and implement a merit-based pay system.
35 (5) Resources/capital improvement plan/budget. – The resources/capital
36 improvement plan/budget shall include the following:
37 a. A report on student population and growth predictions, numbers of
38 teachers and their job descriptions, central office staff members and
39 their job descriptions, numbers of support personnel and their job
40 descriptions, and other relevant information.
41 b. A report on supplies/equipment in the system, including books,
42 technical equipment, and program specific equipment.
43 c. A current capital improvement plan that includes the condition of
44 buildings and plans for improvements such as remodels, upgrades,
45 and new construction.
46 d. A long-range plan for meeting school facility needs, developed and
47 submitted to the State Board of Education in accordance with
48 G.S. 115C-521(a).
49 e. A comprehensive policy for inventory control for school technology.
50 f. A line item budget prepared in accordance with Part 2 of Article 31
51 of Chapter 115C of the General Statutes.

- 1 (6) Community communications. – Community communications shall consist
2 of:
3 a. A report on methods used by the local school administrative unit to
4 communicate with the public, such as press releases, phone trees,
5 public forums, and e-mails.
6 b. A plan for improving communication to gain stakeholder support.
7 c. A plan for increased community involvement in the public schools
8 and community use of public school facilities. The plan shall include
9 guidelines, programs, and policies to do the following:
10 1. Encourage the use of public school facilities by
11 governmental, charitable, or civic organizations for activities
12 within the community.
13 2. Utilize the talents and abilities of volunteers within the
14 community for the enhancement of public school programs,
15 including tutoring, counseling, and cultural programs and
16 projects.
17 3. Increase communications between the staff and faculty of the
18 public schools, other community institutions and agencies,
19 and citizens in the community.
20 4. Develop and utilize community-based academic booster
21 organizations.
22 5. Implement policies and procedures for approving the use of
23 volunteer organizations and for approving the use of
24 individual volunteers.
25 6. Implement policies and procedures designed to make
26 information available to parents and students about tutoring
27 and other academic support services that are available to
28 students in the community or through school volunteers or
29 other community organizations.
30 d. An annual report on acts of violence in the schools.
31 (7) Statement of local economic impact. – The statement of local economic
32 impact shall include:
33 a. A report on economic issues facing the community and the manner in
34 which these issues were determined.
35 b. A report on programs developed to address these issues.
36 c. The process developed to facilitate integration of these local
37 economic issues into all course work.
38 (8) Reflections. – The reflections shall be reviewed annually and shall include:
39 a. An analysis of local student performance and national test data that
40 includes areas needing improvement and strategies for addressing
41 them.
42 b. Ideas for future programing.

43 **§ 115C-26.3. Responsibilities of the local board of education with regard to the**
44 **curriculum innovation plan.**

45 The local board of education shall:

- 46 (1) Develop a curriculum innovation plan every five years in collaboration with
47 the local superintendent and update the plan annually with any significant
48 modifications.
49 (2) Involve the community, including parents, educators, the business
50 community, and others in the development of the plan and updates to the
51 plan.

- 1 (3) Submit the plan to the county commissioners.
- 2 (4) Ensure that the plan is readily available to the general public.
- 3 (5) Submit the plan to the State Board of Education for approval.
- 4 (6) Ensure that the plan is appropriately administered by the superintendent.

5 **"§ 115C-26.4. Approval of the curriculum innovation plan by the State Board of**
 6 **Education; audit of plan implementation by the Department of Public**
 7 **Instruction; revocation of plans.**

8 (a) The State Board of Education shall approve a curriculum innovation plan unless the
 9 Board, in its discretion, determines the plan is not instructionally sound. If the Board does not
 10 approve the plan, it shall make findings regarding the deficiencies in the plan and give the local
 11 school administrative unit an opportunity to modify and resubmit it for approval.

12 (b) At the request of a local school administrative unit, the Department of Public
 13 Instruction may provide technical assistance on the development or implementation of a
 14 curriculum implementation plan.

15 (c) The Superintendent of Public Instruction shall send an auditing team to a local
 16 school administrative unit (i) at the request of the State Board of Education, (ii) as otherwise
 17 required by law, or (iii) in the Superintendent's discretion.

18 (d) The State Board of Education may revoke its approval of a curriculum
 19 implementation plan if the local school administrative unit is not properly implementing the
 20 plan, test results indicate that the plan is not working, there are fiscal irregularities in the local
 21 school administrative unit, or otherwise in the discretion of the Board.

22 The powers given to the Board and the auditing team under G.S. 115C-105.38 and
 23 G.S. 115C-105.39 apply to any local school administrative unit for which approval is revoked."

24 **SECTION 1.(b)** Local boards of education shall implement curriculum
 25 implementation plans beginning with the 2014-2015 school year.

26 **SECTION 2.** G.S. 115C-11(e) is repealed.

27 **SECTION 3.** G.S. 115C-12 reads as rewritten:

28 **"§ 115C-12. Powers and duties of the Board generally.**

29 The general supervision and administration of the free public school system shall be vested
 30 in the State Board of Education. The State Board of Education shall establish policy for the
 31 system of free public schools, subject to laws enacted by the General Assembly. The powers
 32 and duties of the State Board of Education are defined as follows:

33 ...

34 (1a) To Submit a Budget Request to the Director of the Budget. – The Board
 35 shall submit a budget request to the Director of the Budget in accordance
 36 with G.S. 143C-3-3. In addition to the information requested by the Director
 37 of the Budget, the Board shall provide an analysis relating each of its
 38 requests for expansion funds to anticipated improvements in student
 39 performance requests.

40 ...

41 (7) ~~Power to Alter the Boundaries of City School Administrative Units and to~~
 42 ~~Approve Agreements for the Consolidation and Merger of School~~
 43 ~~Administrative Units Located in the Same County. The Board shall have~~
 44 ~~authority, in its discretion, to alter the boundaries of city school~~
 45 ~~administrative units and to approve agreements submitted by county and city~~
 46 ~~boards of education requesting the merger of two or more contiguous city~~
 47 ~~school administrative units and the merger of city school administrative units~~
 48 ~~with county school administrative units and the consolidation of all the~~
 49 ~~public schools in the respective units under the administration of one board~~
 50 ~~of education: Provided, that such merger of units and reorganization of~~

1 ~~school units shall not have the effect of abolishing any special taxes that may~~
2 ~~have been voted in any such units.~~

3 ...
4 (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. State.~~

~~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.~~

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 based on the growth in performance of the students in each school 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 factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance. As a part of the annual "report card" for each local school administrative unit, the State Board shall award an overall numerical school performance score on a scale of zero to 100 and a corresponding letter grade of A, B, C, D, or F earned by each school within the local school administrative unit. The school performance score and grade shall reflect student performance ~~on~~ annual subject-specific assessments, college and workplace readiness measures, and graduation rates. For schools serving students in any grade from kindergarten to eighth grade, separate performance scores and grades shall also be awarded based on the school performance in reading and mathematics respectively. The annual "report card" for schools serving students in third grade also shall include the number and percentage of third grade students who (i) take and pass the alternative assessment of reading comprehension; (ii) were retained in third grade for not demonstrating reading proficiency as indicated in G.S. 115C-83.7(a); and (iii) were exempt from mandatory third grade retention by category of exemption as listed in G.S. 115C-83.7(b).

c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.

1 e3. ~~To develop a system of school building improvement reports for each~~
2 ~~school building. The purpose of school building improvement reports~~
3 ~~is to measure improvement in the growth in student performance at~~
4 ~~each school building from year to year, not to compare school~~
5 ~~buildings. The Board shall include in the building reports any factors~~
6 ~~shown to affect student performance that the Board considers~~
7 ~~relevant to assess a school's efforts to improve student performance.~~
8 ~~Local school administrative units shall produce and make public their~~
9 ~~school building improvement reports by March 15, 1997, for the~~
10 ~~1995-96 school year, by October 15, 1997, for the 1996-97 school~~
11 ~~year, and annually thereafter. Each report shall be based on~~
12 ~~building level data for the prior school year.~~

13 e4. ~~To develop guidelines, procedures, and rules to establish, implement,~~
14 ~~and enforce the School Based Management and Accountability~~
15 ~~Program under Article 8B of this Chapter in order to improve student~~
16 ~~performance, increase local flexibility and control, and promote~~
17 ~~economy and efficiency.~~

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

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

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

26 (9a), (9b) Repealed by Session Laws 2005-458, s. 1, effective October 2, 2005.

27 (9c) ~~Power to Develop Content Standards and Exit Standards. – The Board shall~~
28 ~~develop a comprehensive plan to revise content standards and the standard~~
29 ~~course of study in the core academic areas of reading, writing, mathematics,~~
30 ~~science, history, geography, and civics. The Board shall involve and survey~~
31 ~~a representative sample of parents, teachers, and the public to help determine~~
32 ~~academic content standard priorities and usefulness of the content standards.~~
33 ~~A full review of available and relevant academic content standards that are~~
34 ~~rigorous, specific, sequenced, clear, focused, and measurable, whenever~~
35 ~~possible, shall be a part of the process of the development of content~~
36 ~~standards. The revised content standards developed in the core academic~~
37 ~~areas shall (i) reflect high expectations for students and an in-depth mastery~~
38 ~~of the content; (ii) be clearly grounded in the content of each academic area;~~
39 ~~(iii) be defined grade-by-grade and course-by-course; (iv) be understandable~~
40 ~~to parents and teachers; (v) be developed in full recognition of the time~~
41 ~~available to teach the core academic areas at each grade level; and (vi) be~~
42 ~~measurable, whenever possible, in a reliable, valid, and efficient manner~~
43 ~~measurable for accountability purposes.~~

44 ~~High school course content standards shall include the knowledge and~~
45 ~~skills necessary to pursue further postsecondary education or to attain~~
46 ~~employment in the 21st century economy. The high school course content~~
47 ~~standards also shall be aligned with the minimum undergraduate course~~
48 ~~requirements for admission to the constituent institutions of The University~~
49 ~~of North Carolina. The Board may develop exit standards that will be~~
50 ~~required for high school graduation.~~

1 The Board also shall develop and implement an ongoing process to align
2 State programs and support materials with the revised academic content
3 standards for each core academic area on a regular basis. Alignment shall
4 include revising textbook criteria, support materials, State tests, teacher and
5 school administrator preparation, and ongoing professional development
6 programs to be compatible with content standards. The Board shall develop
7 and make available to teachers and parents support materials, including
8 teacher and parent guides, for academic content standards. The State Board
9 of Education shall work in collaboration with the Board of Governors of The
10 University of North Carolina to ensure that teacher and school administrator
11 degree programs, ongoing professional development, and other university
12 activity in the State's public schools align with the State Board's priorities.

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

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

- 22 ...
23 (12) ~~Duty to Provide for Sports Medicine and Emergency Paramedical Program.—
24 The State Board of Education is authorized and directed to develop a
25 comprehensive plan to train and make available to the public schools
26 personnel who shall have major responsibility for exercising preventive
27 measures against sports related deaths and injuries and for providing sports
28 medicine and emergency paramedical services for injuries that occur in
29 school related activities. The plan shall include, but is not limited to, the
30 training, assignment of responsibilities, and appropriate additional
31 reimbursement for individuals participating in the program.~~

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

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

- 41 ...
42 (15) ~~Duty to Develop Noncertified Personnel Position Evaluation Descriptions.—
43 The Board is authorized and directed to develop position evaluation
44 descriptions covering those positions in local school administrative units for
45 which certification by the State Board of Education is not normally a
46 prerequisite. The position evaluation descriptions required in this
47 subdivision are to be used by local boards of education as the basis for
48 assignment of noncertified employees to an appropriate pay grade in
49 accordance with salary grades and ranges adopted by the State Board of
50 Education. No appropriations are required by this subdivision.~~

(16) Power with Regard to Salary Schedules. – The Board shall provide for sick leave with pay for all public school employees in accordance with the provisions of this Chapter and shall promulgate rules and regulations providing for necessary substitutes on account of sick leave and other teacher absences.

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, including experience in other local school administrative units. 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.~~

e. ~~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.~~

...

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

- 1 a. The State Board of Education shall adopt standards and procedures
2 for local school administrative units to provide timely, accurate, and
3 complete fiscal and personnel information, including payroll
4 information, on all school personnel. ~~All local school administrative
5 units shall comply with these standards and procedures by the
6 beginning of the 1987-88 school year.~~
- 7 b. ~~The State Board of Education shall develop and implement a
8 Uniform Education Reporting System that shall include requirements
9 for collecting, processing, and reporting fiscal, personnel, and student
10 data, by means of electronic transfer of data files from local
11 computers to the State Computer Center through the State
12 Communications Network. All local school administrative units shall
13 comply with the requirements of the Uniform Education Reporting
14 System by the beginning of the 1989-90 school year.~~
- 15 c. The State Board of Education shall comply with the provisions of
16 G.S. 116-11(10a) to plan and implement an exchange of information
17 between the public schools and the institutions of higher education in
18 the State. The State Board of Education shall require local boards of
19 education to provide to the parents of children at a school all
20 information except for confidential information received about that
21 school from institutions of higher education pursuant to
22 G.S. 116-11(10a) and to make that information available to the
23 general public.
- 24 d. The State Board of Education shall modify the Uniform Education
25 Reporting System to provide clear, accurate, and standard
26 information on the use of funds at the unit and school level. The plan
27 shall provide information that will enable the General Assembly to
28 determine State, local, and federal expenditures for personnel at the
29 unit and school level. The plan also shall allow the tracking of
30 expenditures for textbooks, educational supplies and equipment,
31 capital outlay, at-risk students, and other purposes. The revised
32 Uniform Education Reporting System shall be implemented
33 beginning with the 1999-2000 school year.
- 34 (19) ~~Duty to Identify Required Reports and to Eliminate Unnecessary Reports
35 and Paperwork. Prior to the beginning of each school year, the State Board
36 of Education shall identify all reports that are required at the State level for
37 the school year.~~
- 38 ~~The State Board of Education shall adopt policies to ensure that local
39 school administrative units are not required by the State Board of Education,
40 the State Superintendent, or the Department of Public Instruction staff to (i)
41 provide information that is already available on the student information
42 management system or housed within the Department of Public Instruction;
43 (ii) provide the same written information more than once during a school
44 year unless the information has changed during the ensuing period; or (iii)
45 complete forms, for children with disabilities, that are not necessary to
46 ensure compliance with the federal Individuals with Disabilities Education
47 Act (IDEA). Notwithstanding the foregoing, the State Board may require
48 information available on its student information management system or
49 require the same information twice if the State Board can demonstrate a
50 compelling need and can demonstrate there is not a more expeditious
51 manner of getting the information.~~

~~The State Board shall permit schools and local school administrative units to submit all reports to the Department of Public Instruction electronically.~~

~~The State Board of Education, in collaboration with the education roundtables within the Department of Public Instruction, shall consolidate all plans that affect the school community, including school improvement plans. The consolidated plan shall be posted on each school's Web site for easy access by the public and by school personnel.~~

~~The State Board shall report to the Joint Legislative Education Oversight Committee by November 15 of each year on the reports it has consolidated or eliminated for the upcoming school year.~~

...
(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. The State Board shall submit its report on acts of violence in the public schools to the Joint Legislative Education Oversight Committee by March 15 of each year.~~

(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 board of education to report the information to the State Board in a standard format adopted by the State Board.~~

(23) ~~Power to Adopt Eligibility Rules for Interscholastic Athletic Competition. —The State Board of Education shall adopt rules governing interscholastic athletic activities conducted by local boards of education, including eligibility for student participation. With regard to middle schools and high schools, the rules shall provide for the following:~~

...
c. ~~Each school-local school administrative unit shall develop a venue specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan shall include a delineation of roles, methods of communication, available emergency equipment, and access to and plan for emergency transport. This plan must be (i) in writing, (ii) reviewed by an athletic trainer licensed in North Carolina, (iii) approved by the principal of the school, (iv) (iii) distributed to all appropriate personnel, (v) (iv) posted conspicuously at all venues, and (vi) (v) reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.~~

...
~~The State Board of Education may authorize a designated organization to apply and enforce the Board's rules governing participation in interscholastic athletic activities at the high school level.~~

(24) ~~Duty to Develop Standards for Alternative Learning Programs, Provide Technical Assistance on Implementation of Programs, and Evaluate~~

1 ~~Programs.— The State Board of Education shall adopt standards for~~
2 ~~assigning students to alternative learning programs. These standards shall~~
3 ~~include (i) a description of the programs and services that are recommended~~
4 ~~to be provided in alternative learning programs and (ii) a process for~~
5 ~~ensuring that an assignment is appropriate for the student and that the~~
6 ~~student's parents are involved in the decision. The State Board also shall~~
7 ~~adopt policies that define what constitutes an alternative school and an~~
8 ~~alternative learning program.~~

9 ~~The State Board of Education shall also adopt standards to require that~~
10 ~~local school administrative units shall use (i) the teachers allocated for~~
11 ~~students assigned to alternative learning programs pursuant to the regular~~
12 ~~teacher allotment and (ii) the teachers allocated for students assigned to~~
13 ~~alternative learning programs only to serve the needs of these students.~~

14 ~~The State Board of Education shall provide technical support to local~~
15 ~~school administrative units to assist them in developing and implementing~~
16 ~~plans and proposals for alternative learning programs.~~

17 ~~The State Board shall evaluate the effectiveness of alternative learning~~
18 ~~programs and, in its discretion, of any other programs funded from the~~
19 ~~Alternative Schools/At Risk Student allotment. Local school administrative~~
20 ~~units shall report to the State Board of Education on how funds in the~~
21 ~~Alternative Schools/At Risk Student allotment are spent and shall otherwise~~
22 ~~cooperate with the State Board of Education in evaluating the alternative~~
23 ~~learning programs. As part of its evaluation of the effectiveness of these~~
24 ~~programs, the State Board shall, through the application of the accountability~~
25 ~~system developed under G.S. 115C 105.35, measure the educational~~
26 ~~performance and growth of students placed in alternative schools and~~
27 ~~alternative programs. If appropriate, the Board may modify this system to~~
28 ~~adapt to the specific characteristics of these schools. Also as part of its~~
29 ~~evaluation, the State Board shall evaluate its standards adopted under this~~
30 ~~subdivision and make any necessary changes to those standards based on~~
31 ~~strategies that have been proven successful in improving student~~
32 ~~achievement and shall report to the Joint Legislative Education Oversight~~
33 ~~Committee by April 15, 2006 to determine if any changes are necessary to~~
34 ~~improve the implementation of successful alternative learning programs and~~
35 ~~alternative schools.~~

36 (25) ~~Duty to Report to Joint Legislative Education Oversight Committee.— Upon~~
37 ~~the request of the Joint Legislative Education Oversight Committee, the~~
38 ~~State Board shall examine and evaluate issues, programs, policies, and fiscal~~
39 ~~information, and shall make reports to that Committee. Furthermore,~~
40 ~~beginning October 15, 1997, and annually thereafter, the State Board shall~~
41 ~~submit reports to that Committee regarding the continued implementation of~~
42 ~~Chapter 716 of the 1995 Session Laws, 1996 Regular Session. Each report~~
43 ~~shall include information regarding the composition and activity of~~
44 ~~assistance teams, schools that received incentive awards, schools identified~~
45 ~~as low performing, school improvement plans found to significantly~~
46 ~~improve student performance, personnel actions taken in low performing~~
47 ~~schools, and recommendations for additional legislation to improve student~~
48 ~~performance and increase local flexibility.~~

49 ...
50 (27a) ~~Reducing School Dropout Rates.— The State Board of Education shall~~
51 ~~develop a statewide plan to improve the State's tracking of dropout data so~~

1 that accurate and useful comparisons can be made over time. The plan shall
2 include, at a minimum, how dropouts are counted and the methodology for
3 calculating the dropout rate, the ability to track students movements among
4 schools and districts, and the ability to provide information on who drops out
5 and why.

6 ...
7 (30) ~~Duty to Adopt Model Guidelines and Policies for the Establishment of Local
8 Task Forces on Closing the Academic Achievement Gap. The State Board
9 shall adopt a Model for local school administrative units to use as a
10 guideline to establish local task forces on closing the academic achievement
11 gap at the discretion of the local board. The purpose of each task force is to
12 advise and work with its local board of education and administration on
13 closing the gap in academic achievement and on developing a collaborative
14 plan for achieving that goal. The State Board shall consider the
15 recommendations of the Commission on Improving the Academic
16 Achievement of Minority and At Risk Students to the 2001 Session of the
17 General Assembly in establishing its guidelines.~~

18 (30a) Duty to Assist Schools in Meeting Adequate Yearly Progress. – The State
19 Board of Education shall:
20 a. Identify which schools are meeting adequate yearly progress with
21 subgroups as specified in the No Child Left Behind Act of 2001;
22 b. Study the instructional, administrative, and fiscal practices and
23 policies employed by the schools selected by the State Board of
24 Education that are meeting adequate yearly progress specified in the
25 No Child Left Behind Act of 2001; and
26 e. ~~Create assistance models for each subgroup based on the practices
27 and policies used in schools that are meeting adequate yearly
28 progress. The schools of education at the constituent institutions of
29 The University of North Carolina, in collaboration with the
30 University of North Carolina Center for School Leadership
31 Development, shall assist the State Board of Education in developing
32 these models; and~~
33 d. Offer technical assistance based on these assistance models to local
34 school administrative units not meeting adequate yearly progress,
35 giving priority to those local school administrative units with high
36 concentrations of schools that are not meeting adequate yearly
37 progress. The State Board of Education shall determine the number
38 of local school administrative units that can be served effectively in
39 the first two years. This technical assistance shall include peer
40 assistance and professional development by teachers, support
41 personnel, and administrators in schools with subgroups that are
42 meeting adequate yearly progress.

43 (31) ~~To Adopt Guidelines for Individual Diabetes Care Plans. The State Board
44 shall adopt guidelines for the development and implementation of individual
45 diabetes care plans. The State Board shall consult with the North Carolina
46 Diabetes Advisory Council established by the Department of Health and
47 Human Services in the development of these guidelines. The State Board
48 also shall consult with local school administrative unit employees who have
49 been designated as responsible for coordinating their individual unit's efforts
50 to comply with federal regulations adopted under Section 504 of the
51 Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794. In its development~~

1 of these guidelines, the State Board shall refer to the guidelines
2 recommended by the American Diabetes Association for the management of
3 children with diabetes in the school and day care setting and shall consider
4 recent resolutions by the United States Department of Education's Office of
5 Civil Rights of investigations into complaints alleging discrimination against
6 students with diabetes.

7 The guidelines adopted by the State Board shall include:

- 8 a. Procedures for the development of an individual diabetes care plan at
9 the written request of the student's parent or guardian, and involving
10 the parent or guardian, the student's health care provider, the
11 student's classroom teacher, the student if appropriate, the school
12 nurse if available, and other appropriate school personnel.
13 b. Procedures for regular review of an individual care plan.
14 c. Information to be included in a diabetes care plan, including the
15 responsibilities and appropriate staff development for teachers and
16 other school personnel, an emergency care plan, the identification of
17 allowable actions to be taken, the extent to which the student is able
18 to participate in the student's diabetes care and management, and
19 other information necessary for teachers and other school personnel
20 in order to offer appropriate assistance and support to the student.
21 The State Board shall ensure that the information and allowable
22 actions included in a diabetes care plan as required in this
23 subdivision meet or exceed the American Diabetes Association's
24 recommendations for the management of children with diabetes in
25 the school and day care setting.
26 d. Information and staff development to be made available to teachers
27 and other school personnel in order to appropriately support and
28 assist students with diabetes.

29 The State Board shall ensure that these guidelines are updated as
30 necessary and shall ensure that the guidelines and any subsequent changes
31 are published and disseminated to local school administrative units.

- 32 (32) ~~Duty to Encourage Early Entry of Motivated Students into Four-Year
33 College Programs. — The State Board of Education, in cooperation with the
34 Education Cabinet, shall work with local school administrative units, the
35 constituent institutions of The University of North Carolina, local
36 community colleges, and private colleges and universities to (i) encourage
37 early entry of motivated students into four-year college programs and to (ii)
38 ensure that there are opportunities at four-year institutions for academically
39 talented high school students to get an early start on college coursework,
40 either at nearby institutions or through distance learning.~~

41 The State Board of Education shall also adopt policies directing school
42 guidance counselors to make ninth grade students aware of the potential to
43 complete the high school courses required for college entry in a three-year
44 period.

- 45 (33) ~~Duty to Develop Recommended Programs for Use in Schools on Memorial
46 Day. — The State Board of Education shall develop recommended
47 instructional programs that enable students to gain a better understanding of
48 the meaning and importance of Memorial Day. All schools, especially
49 schools that hold school on Memorial Day, shall instruct students on the
50 significance of Memorial Day.~~

- 1 (34) ~~Duty to Protect the Health of School Age Children From Toxicants at~~
 2 ~~School. The State Board shall address public health and environmental~~
 3 ~~issues in the classroom and on school grounds by doing all of the following:~~
 4 a. ~~Develop guidelines for sealing existing arsenic treated wood in~~
 5 ~~playground equipment or establish a time line for removing existing~~
 6 ~~arsenic treated wood on playgrounds and testing the soil on school~~
 7 ~~grounds for contamination caused by the leaching of arsenic treated~~
 8 ~~wood in other areas where children may be at particularly high risk~~
 9 ~~of exposure.~~
 10 b. ~~Establish guidelines to reduce students' exposure to diesel emissions~~
 11 ~~that can occur as a result of unnecessary school bus idling,~~
 12 ~~nose to tail parking, and inefficient route assignments.~~
 13 c. ~~Study methods for mold and mildew prevention and mitigation and~~
 14 ~~incorporate recommendations into the public school facilities~~
 15 ~~guidelines as needed.~~
 16 d. ~~Establish guidelines for Integrated Pest Management consistent with~~
 17 ~~the policy of The North Carolina School Boards Association, Inc., as~~
 18 ~~published in 2004. These guidelines may be updated as needed to~~
 19 ~~reflect changes in technology.~~
 20 e. ~~Establish guidelines for notification of students' parents, guardians,~~
 21 ~~or custodians as well as school staff of pesticide use on school~~
 22 ~~grounds.~~

23 ...

- 24 (37) ~~To Adopt Guidelines for Fitness Testing. The State Board of Education~~
 25 ~~shall adopt guidelines for the development and implementation of~~
 26 ~~evidence based fitness testing for students statewide in grades kindergarten~~
 27 ~~through eight.~~

28 (38) ~~Repealed by Session Laws 2012-194, s. 55(a), effective July 17, 2012.~~

- 29 (39) ~~Power to Accredite Schools. Upon the request of a local board of education,~~
 30 ~~the State Board of Education shall evaluate schools in local school~~
 31 ~~administrative units to determine whether the education provided by those~~
 32 ~~schools meets acceptable levels of quality. The State Board shall adopt~~
 33 ~~rigorous academic standards for accreditation after consideration of (i) the~~
 34 ~~standards of regional and national accrediting agencies, (ii) the Common~~
 35 ~~Core Standards adopted by the National Governors Association Center for~~
 36 ~~Best Practices and the Council of Chief State School Officers, and (iii) other~~
 37 ~~information it deems appropriate.~~

38 ~~The local school administrative unit shall compensate the State Board for~~
 39 ~~the actual costs of the accreditation process."~~

40 **SECTION 4.** ~~G.S. 115C-16 and G.S. 115C-17 are repealed.~~

41 **SECTION 5.** ~~G.S. 115C-21 reads as rewritten:~~

42 "**§ 115C-21. Powers and duties generally.**

43 (a) ~~Administrative Duties. – Subject to the direction, control, and approval of the State~~
 44 ~~Board of Education, it shall be the duty of the Superintendent of Public Instruction:~~

45 ...

- 46 (6) ~~To create a special fund within the Department of Public Instruction to~~
 47 ~~manage funds received as grants from nongovernmental sources in support~~
 48 ~~of public education. Effective July 1, 1995, this special fund is transferred to~~
 49 ~~the State Board of Education and shall be administered by the State Board in~~
 50 ~~accordance with G.S. 115C-410.~~

51 (7) ~~Repealed by Session Laws 1995, c. 72, s. 2.~~

1 (b) Duties as Secretary to the State Board of Education. – Subject to the direction,
 2 control, and approval of the State Board of Education, it shall be the duty of the Superintendent
 3 of Public Instruction:

4 ...

5 (6) ~~To communicate to the public school administrators all information and~~
 6 ~~instructions regarding instructional policies and procedures adopted by the~~
 7 ~~Board.~~

8"

9 **SECTION 6.** G.S. 115C-39 is repealed.

10 **SECTION 7.** G.S. 115C-47 reads as rewritten:

11 **"§ 115C-47. Powers and duties generally.**

12 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
 13 shall have the power or duty:

14 ...

15 (8) To Sponsor or Conduct Educational Research. – Local boards of education
 16 are authorized to sponsor or conduct educational research and special
 17 projects ~~approved by the Department of Public Instruction and the State~~
 18 ~~Board of Education~~ that may improve the school system under their
 19 jurisdictions. Such research or projects may be conducted during the summer
 20 months and the board may use any available funds for such purposes.

21 ...

22 (10) To Assure Appropriate Class Size. – It shall be the responsibility of local
 23 boards of education to assure that the class size and teaching load
 24 requirements set forth in G.S. 115C-301 are met. Any teacher who believes
 25 that the requirements of G.S. 115C-301 have not been met shall make a
 26 report to the principal and superintendent, and the superintendent shall
 27 immediately determine whether the requirements have in fact not been met.
 28 If the superintendent determines the requirements have not been met, he
 29 shall make a report to the next local board of education meeting. The local
 30 board of education shall take action to meet the requirements of the statute.
 31 ~~If the local board cannot organizationally correct the exception and if any of~~
 32 ~~the conditions set out in G.S. 115C-301(g)(1) exist, it shall immediately~~
 33 ~~apply to the State Board of Education for additional personnel or a waiver of~~
 34 ~~the class size requirements, as provided in G.S. 115C-301(g).~~

35 ~~Upon notification from the State Board of Education that the reported~~
 36 ~~exception does not qualify for an allotment adjustment or a waiver under~~
 37 ~~provisions of G.S. 115C-301, the local board, within 30 days, shall take~~
 38 ~~action necessary to correct the exception.~~

39 At the end of the second month of each school year, the local board of
 40 education, through the superintendent, shall file a report with the State Board
 41 of Education, in a format prescribed by the State Board of Education,
 42 describing the organization of each school, the duties of each teacher, the
 43 size of each class, and the teaching load of each teacher. As of February 1
 44 each year, local boards of education, through the superintendent, shall report
 45 all exceptions to individual class size and daily teaching load maximums that
 46 exist at that time.

47 In addition to assuring that the requirements of G.S. 115C-301 are met,
 48 each local board of education shall also have the duty to provide an adequate
 49 number of classrooms to meet the requirements of that statute.

50 ...

1 (12) ~~(For final effective date, see notes) To Implement the Basic Education~~
2 ~~Program. Local boards of education shall implement the Basic Education~~
3 ~~Program in accordance with rules adopted by the State Board. This~~
4 ~~implementation shall include provision for the efficient teaching of the~~
5 ~~course content required by the standard course of study.~~

6 ...

7 (17) ~~To Employ Assistant Superintendent and Supervisors. Local boards of~~
8 ~~education have the authority to employ assistant superintendents and~~
9 ~~supervisors pursuant to the provisions of G.S. 115C 278 and 115C 284(g).~~

10 (18) ~~To Minimize Unnecessary Paperwork. – Make Rules Concerning the~~
11 ~~Conduct and Duties of Personnel. Local boards of education, upon the~~
12 ~~recommendation of the superintendent, shall have full power to make all just~~
13 ~~and needful rules and regulations governing the conduct of teachers,~~
14 ~~principals, and supervisors, the kind of reports they shall make, and their~~
15 ~~duties in the care of school property.~~

16 Prior to the beginning of each school year, each local board of education
17 shall identify all reports, including local school required reports, that are
18 required at the local level for the school year and shall, to the maximum
19 extent possible, eliminate any duplicate or obsolete reporting requirements
20 and consolidate remaining reporting requirements. No additional reports
21 shall be required at the local level after the beginning of the school year
22 without the prior approval of the local board of education.

23 Prior to the beginning of each school year, each local board of education
24 shall also identify software protocols such as NC Wise that could be used to
25 minimize repetitious data entry by teachers and shall make them available to
26 teachers.

27 ~~Each local board of education shall appoint a person or establish a local~~
28 ~~paperwork control committee to monitor all reports and other paperwork~~
29 ~~required of teachers by the central office and to monitor teachers' access to~~
30 ~~software protocols that minimize repetitious data entry.~~

31 (18a) ~~To Adopt Rules and Policies Limiting the Noninstructional Duties of~~
32 ~~Teachers. Local boards of education shall adopt rules and policies limiting~~
33 ~~the noninstructional duties assigned to teachers. A local board may~~
34 ~~temporarily suspend the rules and policies for individual schools upon a~~
35 ~~finding that there is a compelling reason the rules or policies should not be~~
36 ~~implemented. These rules and policies shall ensure that:~~

37 a. ~~Teachers with initial certification are not assigned extracurricular~~
38 ~~activities unless they request the assignments in writing and that~~
39 ~~other noninstructional duties assigned to these teachers are~~
40 ~~minimized, so these teachers have an opportunity to develop into~~
41 ~~skilled professionals;~~

42 b. ~~Teachers with 27 or more years of experience are not assigned~~
43 ~~extracurricular activities unless they request the assignments in~~
44 ~~writing and that other noninstructional duties assigned to these~~
45 ~~teachers are minimized, so these teachers have an opportunity to~~
46 ~~informally share their experience and expertise with their colleagues;~~

47 c. ~~The noninstructional duties of all teachers are limited to the extent~~
48 ~~possible given federal, State, and local laws, rules, and policies, and~~
49 ~~that the noninstructional duties required of teachers are distributed~~
50 ~~equitably among employees.~~

1 (19) ~~To Approve the Assignment of Duties to an Assistant Principal. — Local~~
2 ~~boards of education shall permit certain duties of the principal to be assigned~~
3 ~~to an assistant or acting principal pursuant to the provisions of~~
4 ~~G.S. 115C 289.~~

5 (20) ~~To Provide for Training of Teachers. — Local boards of education are~~
6 ~~authorized to provide for the training of teachers as provided in~~
7 ~~G.S. 115C 300.~~

8 ...
9 (28a) ~~To Enter Guaranteed Energy Savings Contracts for Energy Conservation~~
10 ~~Measures. — Local boards may purchase energy conservation measures by~~
11 ~~guaranteed energy savings contracts pursuant to Part 2 of Article 3B of~~
12 ~~Chapter 143 of the General Statutes.~~

13 ...
14 (30) ~~To Appoint Advisory Councils. — Local boards of education are authorized~~
15 ~~to appoint advisory councils as provided in G.S. 115C 55.~~

16 (31) ~~Local boards of education shall determine the hours of employment for~~
17 ~~teacher assistants. The Legislative Commission of Salary Schedules for~~
18 ~~Public School Employees shall include in its report to the General Assembly~~
19 ~~recommendations regarding hours of employment for teacher assistants and~~
20 ~~other employees.~~

21 (32) ~~To Refer All Students Who Drop Out of the Public Schools to Appropriate~~
22 ~~Services. — Local boards of education shall refer all students who drop out of~~
23 ~~the public schools to appropriate services. When appropriate public school~~
24 ~~services such as extended day programs are available, the local boards shall~~
25 ~~refer the students to those services. When appropriate public school~~
26 ~~programs are not available or are not suitable for certain students, the local~~
27 ~~board shall refer the students to the community college system or to other~~
28 ~~appropriate services.~~

29 (32a) ~~To Establish Alternative Learning Programs and Develop Policies and~~
30 ~~Guidelines. — Each local board of education shall establish at least one~~
31 ~~alternative learning program and shall adopt guidelines for assigning~~
32 ~~students to alternative learning programs. These guidelines shall include (i) a~~
33 ~~description of the programs and services to be provided, (ii) a process for~~
34 ~~ensuring that an assignment is appropriate for the student and that the~~
35 ~~student's parents are involved in the decision, and (iii) strategies for~~
36 ~~providing alternative learning programs, when feasible and appropriate, for~~
37 ~~students who are subject to long term suspension or expulsion. In developing~~
38 ~~these guidelines, local boards shall consider the State Board's standards~~
39 ~~developed under G.S. 115C-12(24). Local boards also shall adopt policies~~
40 ~~that define what constitutes an alternative school and an alternative learning~~
41 ~~program.~~

42 Local school administrative units shall use (i) the teachers allocated for
43 students assigned to alternative learning programs pursuant to the regular
44 teacher allotment and (ii) the teachers allocated for students assigned to
45 alternative learning programs only to serve the needs of these students.

46 Local school administrative units shall report to the State Board of
47 Education on how funds in the Alternative Schools/At-Risk Student
48 allotment are spent.

49 ~~The General Assembly urges local boards to adopt policies that prohibit~~
50 ~~superintendents from assigning to any alternative learning program any~~

1 professional public school employee who has received within the last three
2 years a rating on a formal evaluation that is less than above standard.

3 ~~Notwithstanding this subdivision, each local board shall adopt policies~~
4 ~~based on the State Board's standards developed under G.S. 115C-12(24).~~
5 ~~These policies shall apply to any new alternative learning program or~~
6 ~~alternative school that is implemented beginning with the 2006-2007 school~~
7 ~~year. Local boards of education are encouraged to apply these standards to~~
8 ~~alternative learning programs and alternative schools implemented before~~
9 ~~the 2006-2007 school year.~~

10 ~~Local boards shall assess on a regular basis whether the unit's alternative~~
11 ~~schools and alternative learning programs comply with the State Board's~~
12 ~~standards developed under G.S. 115C-12(24) and whether they incorporate~~
13 ~~best practices for improving student academic performance and reducing~~
14 ~~disruptive behavior, are staffed with professional public school employees~~
15 ~~who are well trained and provided with appropriate staff development, are~~
16 ~~organized to provide coordinated services, and provide students with high~~
17 ~~quality and rigorous academic instruction.~~

18 (33) ~~Local boards of education shall have sole authority to select and procure~~
19 ~~supplementary instructional materials, whether or not the materials contain~~
20 ~~commercial advertising, pursuant to the provisions of G.S. 115C-98(b).~~

21 (33a) ~~To Approve and Use Textbooks Not Adopted by State Board of Education.—~~
22 ~~Local boards of education shall have the authority to select, procure, and use~~
23 ~~textbooks not adopted by the State Board of Education as provided in~~
24 ~~G.S. 115C-98(b1).~~

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

36 ~~Local boards of education shall work with local business leaders,~~
37 ~~including local chambers of commerce, to encourage employers to include~~
38 ~~and adopt as part of their stated personnel policies time for employees who~~
39 ~~are parents or guardians to attend conferences with their children's teachers.~~

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

43 (34a) ~~To Encourage High School to Work Partnerships. – Each local board of~~
44 ~~education shall encourage high schools and local businesses to partner,~~
45 ~~specifically target students who may not seek higher education, and facilitate~~
46 ~~high school to work partnerships. Local businesses shall be encouraged to~~
47 ~~work with local high schools to create opportunities for students to complete~~
48 ~~a job shadow, internship, or apprenticeship. Students may also be~~
49 ~~encouraged to tour the local business or clinic, meet with employees, and~~
50 ~~participate in career and technical student organizations. Waiver forms may~~

1 be developed in collaboration with participating businesses for the protection
2 of both the students and the businesses.

3 ~~Each local board of education shall encourage high schools to designate~~
4 ~~the Career Development Coordinator or other designee of the local Career~~
5 ~~and Technical Education administrator to be the point person for local~~
6 ~~businesses to contact. If the person selected is a teacher, the teacher shall~~
7 ~~work with the principal and the local Career and Technical Education~~
8 ~~administrator to find time in the school day to contact businesses and~~
9 ~~develop opportunities for students. The high school shall include a variety of~~
10 ~~trades and skilled labor positions for students to interact with and shadow~~
11 ~~and shall encourage students who may be interested in a job shadowing~~
12 ~~opportunity to pursue and set up the job shadow.~~

13 ~~Each local board of education shall develop a policy with provisions for~~
14 ~~students who are absent from school while doing a job shadow to make up~~
15 ~~the work. Students shall not be counted as absent when participating in these~~
16 ~~work based learning opportunities or in Career and Technical Education~~
17 ~~student organization activities. Local boards may determine maximum~~
18 ~~numbers of days to be used for job shadowing activities.~~

19 (35) ~~To produce school building improvement reports. — Each administrative unit~~
20 ~~shall produce school building improvement reports for each school building~~
21 ~~in the local school administrative unit, in accordance with~~
22 ~~G.S. 115C-12(9)e3.~~

23 (36) ~~To Report All Acts of School Violence. — Local boards of education shall~~
24 ~~report all acts of school violence to the State Board of Education in~~
25 ~~accordance with G.S. 115C-12(21).~~

26 ...
27 (41) ~~To Encourage Recycling in Public Schools. — Local boards of education~~
28 ~~shall encourage recycling in public schools and may develop and implement~~
29 ~~recycling programs at public schools.~~

30 ...
31 (43) ~~Local boards of education are encouraged to adopt policies that require~~
32 ~~superintendents to assign to the core academic courses, in seventh through~~
33 ~~ninth grades, teachers who have at least four years' teaching experience and~~
34 ~~who have received within the last three years an overall rating on a formal~~
35 ~~evaluation that is at least above standard.~~

36 ...
37 (46) ~~At the discretion of the board, to adopt policies and procedures authorizing~~
38 ~~schools that operate programs under G.S. 115C-307(e) to utilize unlicensed~~
39 ~~health care personnel to perform the technical aspects of medication~~
40 ~~administration to students. If adopted, the policies and procedures shall be~~
41 ~~consistent with the requirements of Article 9A of Chapter 90 of the General~~
42 ~~Statutes and shall include the following:~~

43 a. ~~Training and competency evaluation of medication aides as provided~~
44 ~~for under G.S. 131E-270.~~

45 b. ~~Requirements for listing under the Medication Aide Registry as~~
46 ~~provided for under G.S. 131E-271.~~

47 c. ~~Requirements for supervision of medication aides by licensed health~~
48 ~~professionals or appropriately qualified supervisory personnel~~
49 ~~consistent with Articles 5, 6, 10, and 16 of Chapter 131E of the~~
50 ~~General Statutes.~~

- 1 ~~(47) To Address the Use of Pesticides in Schools.— Local boards of education~~
2 ~~shall adopt policies that address the use of pesticides in schools. These~~
3 ~~policies shall:~~
- 4 ~~a. Require the principal or the principal's designee to annually notify~~
5 ~~the students' parents, guardians, or custodians as well as school staff~~
6 ~~of the schedule of pesticide use on school property and their right to~~
7 ~~request notification. Such notification shall be made, to the extent~~
8 ~~possible, at least 72 hours in advance of nonscheduled pesticide use~~
9 ~~on school property. The notification requirements under this~~
10 ~~subdivision do not apply to the application of the following types of~~
11 ~~pesticide products: antimicrobial cleansers, disinfectants,~~
12 ~~self-contained baits and crack and crevice treatments, and any~~
13 ~~pesticide products classified by the United States Environmental~~
14 ~~Protection Agency as belonging to the U.S.E.P.A. Toxicity Class IV,~~
15 ~~"relatively nontoxic" (no signal word required on the product's label).~~
- 16 ~~b. Require the use of Integrated Pest Management. As used in this~~
17 ~~sub-subdivision, "Integrated Pest Management" or "IPM" means the~~
18 ~~comprehensive approach to pest management that combines~~
19 ~~biological, physical, chemical, and cultural tactics as well as~~
20 ~~effective, economic, environmentally sound, and socially acceptable~~
21 ~~methods to prevent and solve pest problems that emphasizes pest~~
22 ~~prevention and provides a decision-making process for determining~~
23 ~~if, when, and where pest suppression is needed and what control~~
24 ~~tactics and methods are appropriate.~~
- 25 ~~...~~
- 26 ~~(49) To Address Mercury in the Classroom and on School Grounds.— Local~~
27 ~~boards of education are encouraged to remove and properly dispose of all~~
28 ~~bulk elemental mercury, chemical mercury, and bulk mercury compounds~~
29 ~~used as teaching aids in science classrooms, not including barometers. Local~~
30 ~~boards of education shall prohibit the future use of bulk elemental mercury,~~
31 ~~chemical mercury compounds, and bulk mercury compounds used as~~
32 ~~teaching aids in science classrooms, not including barometers.~~
- 33 ~~(50) To Address Exposure to Diesel Exhaust Fumes.— Local boards of education~~
34 ~~shall adopt policies and procedures to reduce students' exposure to diesel~~
35 ~~emissions.~~
- 36 ~~(51) To Ensure that Schools Provide Information Concerning Cervical Cancer,~~
37 ~~Cervical Dysplasia, Human Papillomavirus, and the Vaccines Available to~~
38 ~~Prevent These Diseases.— Local boards of education shall ensure that~~
39 ~~schools provide parents and guardians with information about cervical~~
40 ~~cancer, cervical dysplasia, human papillomavirus, and the vaccines available~~
41 ~~to prevent these diseases. This information shall be provided at the~~
42 ~~beginning of the school year to parents of children entering grades five~~
43 ~~through 12. This information shall include the causes and symptoms of these~~
44 ~~diseases, how they are transmitted, how they may be prevented by~~
45 ~~vaccination, including the benefits and possible side effects of vaccination,~~
46 ~~and places parents and guardians may obtain additional information and~~
47 ~~vaccinations for their children.~~
- 48 ~~(52) To Ensure That Certain Students Receive Information Annually on Lawfully~~
49 ~~Abandoning a Newborn Baby.— Not later than August 1, 2008, local boards~~
50 ~~of education shall adopt policies to ensure that students in grades nine~~
51 ~~through 12 receive information annually on the manner in which a parent~~

- 1 may lawfully abandon a newborn baby with a responsible person, in
 2 accordance with G.S. 7B-500.
- 3 (53) ~~To Encourage Programs for Successful Transition Between the Middle
 4 School and High School Years.— Local boards of education are encouraged
 5 to adopt policies to implement programs that assist students in making a
 6 successful transition between the middle school and high school years. The
 7 programs may include Ninth Grade Academies, programs to effectively
 8 prepare eighth grade students for the expectations and rigors of high school,
 9 early warning systems to flag students not ready for ninth grade and develop
 10 plans for those students, mentoring programs that pair upperclassmen with
 11 incoming students, and graduation plans for students who have fallen behind
 12 and are off track for graduation.~~
- 13 (54) ~~To Increase Parental Involvement in Student Achievement and Graduation
 14 Preparation.— Local boards of education are encouraged to adopt policies to
 15 promote and support parental involvement in student learning and
 16 achievement at school and at home and to encourage successful progress
 17 toward graduation. These policies may include strategies to increase school
 18 communications with parents regarding expectations for students and student
 19 progress, graduation requirements, and available course offerings, to provide
 20 increased opportunities for parental involvement in schools, and to create an
 21 environment in the schools conducive for parental involvement.~~
- 22 (55) ~~To Reduce Suspension and Expulsion Rates and Provide for Academic
 23 Progress During Suspensions.— Local boards of education are encouraged to
 24 adopt policies and best practices to reduce suspension and expulsion rates
 25 and to provide alternative learning programs for continued academic
 26 progress for students who have been suspended.~~
- 27 ...
- 28 (59) ~~To Encourage Student Voter Registration and Preregistration.— Local boards
 29 of education are encouraged to adopt policies to promote student voter
 30 registration and preregistration. These policies may include collaboration
 31 with county boards of elections to conduct voter registration and
 32 preregistration in high schools. Completion and submission of voter
 33 registration or preregistration forms shall not be a course requirement or
 34 graded assignment for students.~~
- 35 ...
- 36 (61) To Adopt Policies Directing Guidance Counselors to Advise Ninth Graders
 37 on Completing Coursework for College Entry in Three Years. – Local
 38 boards of education shall also adopt policies directing school guidance
 39 counselors to make ninth grade students aware of the potential to complete
 40 the high school courses required for college entry in a three-year period.
- 41 (62) To Develop Recommended Programs for Use in Schools on Memorial Day.
 42 – Local boards of education shall develop recommended instructional
 43 programs that enable students to gain a better understanding of the meaning
 44 and importance of Memorial Day. All schools, especially schools that hold
 45 school on Memorial Day, shall instruct students on the significance of
 46 Memorial Day."

47 **SECTION 8.** Article 6 of Chapter 115C of the General Statutes is repealed.

48 **SECTION 9.** G.S. 115C-67 through G.S. 115C-68.3 are repealed.

49 **SECTION 10.** G.S. 115C-81 reads as rewritten:

50 **"§ 115C-81. Basic Education Program.**

51 ...

- 1 (a3) Alcohol and Drug Education Program to Be Recommended and Implemented:
- 2 (1) A comprehensive education program that includes alcohol and drug use
- 3 prevention education must be available to every child in North Carolina
- 4 schools in kindergarten through high school.
- 5 ~~(2) The State Board of Education shall develop and maintain a recommended~~
- 6 ~~list of alcohol and drug use prevention education materials that include~~
- 7 ~~components for teacher training and ongoing assessment and evaluation to~~
- 8 ~~verify success and ensure the use of up-to-date information and strategies.~~
- 9 ~~(3) The Department of Public Instruction will work to strengthen instructional~~
- 10 ~~offerings in the content and skill areas of the Basic Education Program in~~
- 11 ~~which alcohol and drug use prevention education is addressed. Curricular~~
- 12 ~~materials and resources will be developed that meet, extend, and supplement~~
- 13 ~~drug and alcohol education as outlined in the North Carolina Standard~~
- 14 ~~Course of Study and the Teacher Handbook for the competency based~~
- 15 ~~curriculum.~~
- 16 ~~(4) The Department of Public Instruction shall recommend to the State Board of~~
- 17 ~~Education any drug use prevention education support materials that should~~
- 18 ~~be removed or added to the recommended list of curricular resources~~
- 19 ~~developed and maintained by the State Board of Education.~~
- 20 (5) Local boards of education may select supplemental alcohol and drug use
- 21 prevention education materials from the list maintained by the State Board
- 22 of Education, or develop their own supplemental materials to be approved by
- 23 ~~the State Board of Education materials.~~
- 24 (6) Local boards of education shall implement alcohol and drug use prevention
- 25 education as a primary part of their comprehensive health education
- 26 program.
- 27 (7) Local boards of education will provide for ongoing evaluation of drug use
- 28 prevention education resources, to include participation in on-going
- 29 ~~evaluations with the Department of Public Instruction resources.~~
- 30 (8) Local boards of education must implement an approved drug and alcohol
- 31 education prevention program for kindergarten through sixth grade by the
- 32 1990-91 school year, and for seventh grade through twelfth grade by the
- 33 1991-92 school year.
- 34 (9) Repealed by Session Laws 2005-155, s. 2, effective July 5, 2005.
- 35 (10) ~~The Department of Public Instruction, in conjunction with local Local~~
- 36 ~~districts, will provide for staff development to train educators and support~~
- 37 ~~personnel to implement a comprehensive alcohol and drug use prevention~~
- 38 ~~education program.~~
- 39 (11) Sequential, age-appropriate instruction will be provided that has the
- 40 following features:
- 41 a. Reaches all students in all grades;
- 42 b. Presents a clear and consistent message that the use of alcohol and
- 43 illicit drugs and the misuse of other drugs is unhealthy and harmful;
- 44 c. Reflects current research and theory;
- 45 d. Includes all abusable substances;
- 46 e. Utilizes information that is current and accurate;
- 47 f. Involves students in active "hands-on" learning experiences;
- 48 g. Integrates substance abuse education with other health and social
- 49 issues and other subject and skill areas of the North Carolina Basic
- 50 Education Program and Standard Course of Study;

- 1 h. Promotes understanding and respect for the law and values of
 2 society;
 3 i. Encourages health, safe, and responsible attitudes and behaviors;
 4 j. Includes strategies to involve parents, family members, and the
 5 community;
 6 k. Includes information on intervention and treatment services;
 7 l. Is continually open to revision, expansion and improvement.

8 (a4) Conflict Resolution and Mediation Models: The State Board of Education shall
 9 develop a list of recommended conflict resolution and mediation materials, models, and
 10 curricula that address responsible decision making, the causes and effects of school violence
 11 and harassment, cultural diversity, and nonviolent methods for resolving conflict, including
 12 peer mediation and shall make the list available to local school administrative units and school
 13 buildings by the beginning of the 1994-95 school year. In developing this list, the Board shall
 14 emphasize materials, models, and curricula that currently are being used in North Carolina and
 15 that the Board determines to be effective. ~~The Board shall include at least one model that~~
 16 ~~includes instruction and guidance for the voluntary implementation of peer mediation programs~~
 17 ~~and one model that provides instruction and guidance for teachers concerning the integration of~~
 18 ~~conflict resolution and mediation lessons into the existing classroom curriculum.~~ Carolina.

19 (b) The Basic Education Program shall include course requirements and descriptions
 20 similar in format to materials previously contained in the standard course of study and it shall
 21 provide:

- 22 (1) A core curriculum for all students that takes into account the special needs of
 23 children;
 24 (2) A set of competencies, by grade level, for each curriculum area;
 25 (3) A list of ~~textbooks~~ materials for use in providing the curriculum;
 26 (4) Standards for student performance and promotion based on the mastery of
 27 competencies, including standards for graduation, that take into account
 28 children with disabilities and, in particular, include appropriate
 29 modifications;
 30 (5) A program of remedial education;
 31 (6) Required support programs;
 32 (7) A definition of the instructional day;
 33 (8) Class size recommendations and requirements;
 34 (9) Prescribed staffing allotment ratios;
 35 (10) Material and equipment allotment ratios; and
 36 (11) Facilities guidelines that reflect educational program appropriateness,
 37 long-term cost efficiency, and safety ~~considerations; and~~ considerations.
 38 (12) ~~Any other information the Board considers appropriate and necessary.~~

39 The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation
 40 standard or as a requirement for a high school diploma for any student whose individualized
 41 education program (i) identifies the student as learning disabled in the area of mathematics and
 42 (ii) states that this learning disability will prevent the student from mastering Algebra I.

43 The State Board shall not require any student to prepare a high school graduation project as
 44 a condition of graduation from high school; local boards of education may, however, require
 45 their students to complete a high school graduation project.

46 ...

47 (e1) School Health Education Program to Be Developed and Administered.

48 ...

- 49 (2) The State Board of Education shall supervise the development ~~and operation~~
 50 of a statewide comprehensive school health education program including
 51 curriculum development, in-service training provision and promotion of

1 collegiate training, learning material review, and assessment and evaluation
 2 of local programs in the same manner as for other programs. The State
 3 Board of Education shall adopt objectives for the instruction of the subject
 4 areas listed in subdivision (1) of this subsection that are appropriate for each
 5 grade level. In addition, the State Board shall approve ~~textbooks and other~~
 6 materials incorporating these objectives that local school administrative units
 7 may purchase with State funds. The State Board of Education, through the
 8 Department of Public Instruction, shall, on a regular basis, review materials
 9 related to these objectives, and distribute these reviews to local school
 10 administrative units for their information.

11 ...

12 (5) The State Board of Education shall make available to all local school
 13 administrative units for review by the parents and legal guardians of students
 14 enrolled at that unit any State-developed objectives for instruction, ~~any~~
 15 ~~approved textbooks,~~ the list of reviewed materials, and any other
 16 State-developed or approved materials that pertain to or are intended to
 17 impart information or promote discussion or understanding in regard to the
 18 prevention of sexually transmitted diseases, including HIV/AIDS, to the
 19 avoidance of out-of-wedlock pregnancy, or to the reproductive health and
 20 safety education curriculum. The review period shall extend for at least 60
 21 days before use.

22 ...

23 (g) Civic Literacy. –

24 ...

25 (4) ~~The State Board of Education shall require that any high school level~~
 26 ~~curriculum based tests developed and administered statewide beginning with~~
 27 ~~the 2014-2015 academic year include questions related to the philosophical~~
 28 ~~foundations of our form of government and the principles underlying the~~
 29 ~~Declaration of Independence, the United States Constitution and its~~
 30 ~~amendments, and the most important of the Federalist Papers.~~

31 (5) ~~The Department of Public Instruction and the~~ The local boards of education,
 32 ~~as appropriate, education~~ shall provide or cause to be provided curriculum
 33 content for the semester course required in subdivision (1) of this subsection
 34 and teacher training to ensure that the intent and provisions of this
 35 subsection are carried out. The curriculum content established shall include a
 36 review of the contributions made by Americans of all races.

37 ...

38 (h) Character Education. – Each local board of education shall develop and implement
 39 character education instruction with input from the local community. The instruction shall be
 40 incorporated into the standard curriculum and should address the following ~~traits:traits~~ or
 41 others, in the discretion of the local school administrative unit:

42 (1) Courage. – Having the determination to do the right thing even when others
 43 don't and the strength to follow your conscience rather than the crowd; and
 44 attempting difficult things that are worthwhile.

45 (2) Good judgment. – Choosing worthy goals and setting proper priorities;
 46 thinking through the consequences of your actions; and basing decisions on
 47 practical wisdom and good sense.

48 (3) Integrity. – Having the inner strength to be truthful, trustworthy, and honest
 49 in all things; acting justly and honorably.

- 1 (4) Kindness. – Being considerate, courteous, helpful, and understanding of
 2 others; showing care, compassion, friendship, and generosity; and treating
 3 others as you would like to be treated.
- 4 (5) Perseverance. – Being persistent in the pursuit of worthy objectives in spite
 5 of difficulty, opposition, or discouragement; and exhibiting patience and
 6 having the fortitude to try again when confronted with delays, mistakes, or
 7 failures.
- 8 (6) Respect. – Showing high regard for authority, for other people, for self, for
 9 property, and for country; and understanding that all people have value as
 10 human beings.
- 11 (7) Responsibility. – Being dependable in carrying out obligations and duties;
 12 showing reliability and consistency in words and conduct; being accountable
 13 for your own actions; and being committed to active involvement in your
 14 community.
- 15 (8) Self-Discipline. – Demonstrating hard work and commitment to purpose;
 16 regulating yourself for improvement and restraining from inappropriate
 17 behaviors; being in proper control of your words, actions, impulses, and
 18 desires; choosing abstinence from premarital sex, drugs, alcohol, and other
 19 harmful substances and behaviors; and doing your best in all situations.

20 ...

21 (i) Both the standard course of study and the Basic Education Program shall include the
 22 requirement that the public schools provide instruction in personal financial literacy for all
 23 students. Each student shall receive personal financial literacy instruction that shall include (i)
 24 the true cost of credit, (ii) choosing and managing a credit card, (iii) borrowing money for an
 25 automobile or other large purchase, (iv) home mortgages, (v) credit scoring and credit reports,
 26 and (vi) other relevant financial literacy issues.

27 ~~The State Board of Education~~ Each local school administrative unit shall determine the other
 28 components of personal financial literacy that will be covered in the curriculum. ~~The State~~
 29 ~~Board shall also review the high school standard course of study to determine into which~~
 30 ~~courses and grade levels the personal financial literacy curriculum shall be integrated.~~

31"

32 **SECTION 11.** G.S. 115C-81.1 reads as rewritten:

33 "**§ 115C-81.1. Basic Education Program Funds not to supplant Local funds for schools.**

34 It is the intent of the General Assembly that budget funds appropriated by the General
 35 Assembly for vocational and technical education programs and clerical personnel to implement
 36 the Basic Education Program be used to supplement and not supplant existing State and local
 37 funding for the public schools. Therefore, to the extent that local school administrative units
 38 receive additional State funds for vocational and technical education programs and clerical
 39 personnel positions that were previously funded in whole or in part with nonstate funds, the
 40 local governments shall continue to spend for public school operating or capital purposes in the
 41 local school administrative units the amount of money they would have spent to provide the
 42 vocational and technical education programs and the school clerical personnel previously
 43 funded with nonstate funds.

44 ~~Priority shall be given to funding capital needs, particularly those resulting from~~
 45 ~~implementation of the Basic Education Program."~~

46 **SECTION 12.** G.S. 115C-83.6(a) reads as rewritten:

47 "(a) Kindergarten, first, second, and third grade students shall be assessed with valid,
 48 reliable, formative, and diagnostic reading assessments ~~made available to local school~~
 49 ~~administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a).~~
 50 assessments. Difficulty with reading development identified through administration of
 51 formative and diagnostic assessments shall be addressed with instructional supports and

1 services. ~~To the greatest extent possible, kindergarten through third grade reading assessments~~
2 ~~shall yield data that can be used with the Education Value Added Assessment System~~
3 ~~(EVAAS), or a compatible and comparable system approved by the State Board of Education,~~
4 ~~to analyze student data to identify root causes for difficulty with reading development and to~~
5 ~~determine actions to address them."~~

6 **SECTION 12A.** G.S. 115C-83.7(b) reads as rewritten:

7 "(b) Students may be exempt from mandatory retention in third grade for good cause but
8 shall continue to receive instructional supports and services and reading interventions
9 appropriate for their age and reading level. Good cause exemptions shall be limited to the
10 following:

- 11 (1) Limited English Proficient students with less than two years of instruction in
12 an English as a Second Language program.
- 13 (2) Students with disabilities, as defined in G.S. 115C-106.3(1), whose
14 individualized education program indicates the use of alternative
15 assessments and reading interventions.
- 16 (3) Students who demonstrate reading proficiency appropriate for third grade
17 students on an alternative assessment approved by the State Board of
18 Education. Teachers may administer the alternative assessment following the
19 administration of the State-approved standardized test of reading
20 comprehension typically given to third grade students at the end of the
21 school year, or after a student's participation in the local school
22 administrative unit's summer reading camp.
- 23 (4) Students who demonstrate, through a student reading portfolio, reading
24 proficiency appropriate for third grade students. Teachers may submit the
25 student reading portfolio at the end of the school year or after a student's
26 participation in the local school administrative unit's summer reading camp.
27 ~~The student reading portfolio and review process shall be established by the~~
28 ~~State Board of Education.~~
- 29 (5) Students who have (i) received reading intervention and (ii) previously been
30 retained more than once in kindergarten, first, second, or third grades."

31 **SECTION 13.** G.S.115C-83.10 reads as rewritten:

32 **"§ 115C-83.10. Accountability measures.**

33 (a) Each local board of education shall publish annually on a Web site maintained by
34 that local school administrative unit and report in writing to the State Board of Education by
35 ~~September 1~~ July 1 of each year the following information on the prior school year:

- 36 (1) The number and percentage of third grade students demonstrating and not
37 demonstrating reading proficiency on the State-approved standardized test of
38 reading comprehension administered to third grade students.
- 39 (2) The number and percentage of third grade students who take and pass the
40 alternative assessment of reading comprehension.
- 41 (3) The number and percentage of third grade students retained for not
42 demonstrating reading proficiency.
- 43 (4) The number and percentage of third grade students exempt from mandatory
44 third grade retention by category of exemption as listed in
45 G.S. 115C-83.7(b).

46 (b) Each local board of education shall report annually in writing to the State Board of
47 Education by ~~September 1~~ July 1 of each year a description of all reading interventions
48 provided to students who have been retained under G.S. 115C-83.7(a).

49 ~~The State Board of Education shall establish a uniform format for local boards of~~
50 ~~education to report the required information listed in subsections (a) and (b) of this section and~~
51 ~~shall provide the format to local boards of education no later than 90 days prior to the annual~~

1 ~~due date.~~ The State Board of Education shall compile annually this information and submit a
2 State-level summary to the Governor, the President Pro Tempore of the Senate, the Speaker of
3 the House of Representatives, and the Joint Legislative Education Oversight Committee by
4 October 1 of each year, beginning with the 2014-2015 school year.

5 (d) The State Board of Education and the Department of Public Instruction shall
6 provide technical assistance as needed to aid local school administrative units to implement all
7 provisions of this Part."

8 **SECTION 14.** G.S. 115C-84.2(a) reads as rewritten:

9 "(a) School Calendar. – Each local board of education shall adopt a school calendar
10 consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall
11 include the following:

12 (1) **(See notes)** A minimum of 185 days or 1,025 hours of instruction covering
13 at least nine calendar months. The local board shall designate when the
14 instructional days shall occur. The number of instructional hours in an
15 instructional day may vary according to local board policy and does not have
16 to be uniform among the schools in the administrative unit. Local boards
17 may approve ~~school improvement curriculum implementation plans~~ that
18 include days with varying amounts of instructional time. If school is closed
19 early due to inclement weather, the day and the scheduled amount of
20 instructional hours may count towards the required minimum to the extent
21 allowed by State Board policy. The school calendar shall include a plan for
22 making up days and instructional hours missed when schools are not opened
23 due to inclement weather.

24 (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.

25 (2) A minimum of 10 annual vacation leave days.

26 (3) The same or an equivalent number of legal holidays occurring within the
27 school calendar as those designated by the State Personnel Commission for
28 State employees.

29 (4) Repealed by Session Laws 2011-145, s. 7.29(a), effective July 1, 2011.

30 (5) The remaining days scheduled by the local board in consultation with each
31 school's principal for use as teacher workdays, additional instructional days,
32 or other lawful purposes. ~~Before consulting with the local board, each~~
33 ~~principal shall work with the school improvement team to determine the~~
34 ~~days to be scheduled and the purposes for which they should be scheduled.~~
35 Days may be scheduled and planned for different purposes for different
36 personnel and there is no requirement to schedule the same dates for all
37 personnel. In order to make up days for school closing because of inclement
38 weather, the local board may designate any of the days in this subdivision as
39 additional make-up days to be scheduled after the last day of student
40 attendance.

41 Local boards and individual schools are encouraged to use the calendar flexibility in order
42 to meet the annual performance ~~standards set by the State Board~~ standards. Local boards of
43 education shall consult with parents and the employed public school personnel in the
44 development of the school calendar.

45 Local boards shall designate at least two days scheduled under subdivision (5) of this
46 subsection as days on which teachers may take accumulated vacation leave. Local boards may
47 designate the remaining days scheduled in subdivision (5) of this subsection as days on which
48 teachers may take accumulated vacation leave, but local boards shall give teachers at least 14
49 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any
50 of these days. A teacher may elect to waive this notice requirement for one or more of these
51 days."

1 **SECTION 15.** G.S. 115C-85 through G.S. 115C-91 are repealed.

2 **SECTION 16.** G.S. 115C-92 reads as rewritten:

3 "**§ 115C-92. Procedure for adoption and change of textbook.**

4 The local board of education, after consultation with the superintendent, shall select and
5 adopt textbooks. ~~Superintendent~~The superintendent may at any time communicate to the ~~Board~~
6 local board of education that a particular book is unsatisfactory for the schools, whereupon the
7 ~~Board~~board may call for a new selection and adoption. If the ~~Board~~board votes to change a
8 textbook, it shall give the publisher 90 days' notice prior to May 1, after which it may adopt a
9 new book or books on the subject for which a book is sought."

10 **SECTION 17.** G.S. 115C-93 is repealed.

11 **SECTION 18.** G.S. 115C-94 reads as rewritten:

12 "**§ 115C-94. Publishers to register.**

13 Any publisher who submits books for adoption by a local board of education shall register
14 in the office of the Superintendent of Public Instruction the names of all agents or other
15 employees authorized to represent that company in the State, and this registration list shall be
16 open to the public for inspection."

17 **SECTION 19.** G.S. 115C-95 is repealed.

18 **SECTION 20.** G.S. 115C-96 reads as rewritten:

19 "**§ 115C-96. Powers and duties of the State Board of Education local boards of education**
20 **in regard to textbooks.**

21 The children of the public elementary and secondary schools of the State shall be provided
22 with free basic textbooks within the appropriation of the General Assembly for that purpose. ~~To~~
23 ~~implement this directive, the State Board of Education shall evaluate annually the amount of~~
24 ~~money necessary to provide textbooks based on the actual cost and availability of textbooks~~
25 ~~and shall request sufficient appropriations from the General Assembly.~~

26 ~~The State Board of Education~~Each local board of education shall administer a fund and
27 establish rules and regulations necessary to:

- 28 (1) Acquire by contract such basic textbooks as are or may be on the adopted list
29 of the State of North Carolina which the Board finds necessary to meet the
30 needs of the State public school system and to carry out the provisions of
31 this Part.
- 32 ~~(2) Provide a system of distribution of these textbooks and distribute the books~~
33 ~~that are provided without using any depository or warehouse facilities other~~
34 ~~than those operated by the State Board of Education.~~
- 35 (3) Provide for the free use, with proper care and return, of elementary and
36 secondary basic textbooks. The title of said books shall be vested in the
37 State."

38 **SECTION 21.** G.S. 115C-98 reads as rewritten:

39 "**§ 115C-98. Local boards of education to provide for local operation of the textbook**
40 **program, the selection and procurement of ~~other instructional materials, and~~**
41 **the use of nonadopted textbooks, materials.**

42 (a) Local boards of education shall adopt rules ~~not inconsistent with the policies of the~~
43 ~~State Board of Education~~concerning the local operation of the textbook program.

44 (b) Local boards of education shall adopt written policies concerning the procedures to
45 be followed in their local school administrative units for the selection and procurement of
46 textbooks, digital learning hardware and software, supplementary textbooks, library books,
47 periodicals, audiovisual materials, and other ~~supplementary~~ instructional materials needed for
48 instructional purposes in the public schools of their units.

49 Local boards of education shall have sole authority to select and procure ~~supplementary~~
50 instructional materials, whether or not the materials contain commercial advertising, to
51 determine if the materials are related to and within the limits of the prescribed curriculum, and

1 to determine when the materials may be presented to students during the school day.
 2 Supplementary materials and contracts for supplementary materials are not subject to approval
 3 by the State Board of Education.

4 ~~Supplementary books and other instructional materials shall neither displace nor be used to~~
 5 ~~the exclusion of basic textbooks.~~

6 (b1) ~~A local board of education. The superintendent~~ may establish a community media
 7 advisory committee to investigate and evaluate challenges from parents, teachers, and members
 8 of the public to textbooks and supplementary instructional materials on the grounds that they
 9 are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade
 10 level of the students. ~~The State Board of Education shall review its rules and policies~~
 11 ~~concerning these challenges and shall establish guidelines to be followed by community media~~
 12 ~~advisory committees.~~

13 The local board, at all times, has sole authority and discretion to determine whether a
 14 challenge has merit and whether challenged material should be retained or removed.

15 (b2) ~~Local boards of education may:~~ may

16 (1) ~~Select, select, procure, and use textbooks that have not been adopted by the~~
 17 ~~State Board of Education for use throughout the local school administrative~~
 18 ~~unit for selected grade levels and courses; and~~ courses.

19 (2) ~~Approve school improvement plans developed under G.S. 115C-105.27 that~~
 20 ~~include provisions for using textbooks that have not been adopted by the~~
 21 ~~State Board of Education for selected grade levels and courses.~~

22 All textbook contracts made under this subsection shall include a clause granting to the
 23 local board of education the license to produce braille, large print, and audiocassette tape copies
 24 of the textbooks for use in the local school administrative unit.

25 (c) Funds allocated by the State Board of Education or appropriated in the current
 26 expense or capital outlay budgets of the local school administrative units, may be used for the
 27 above-stated purposes."

28 **SECTION 22.** G.S. 115C-102 reads as rewritten:

29 **"§ 115C-102. Right to purchase; disposal of textbooks and materials.**

30 (a) Any parent, guardian, or person in loco parentis may purchase any instructional
 31 material needed for any child in the public schools of the State from the board of education of
 32 the local school administrative unit in which the child is enrolled ~~or, in the case of basic~~
 33 ~~textbooks, from the State Board of Education enrolled.~~

34 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S. 143-49(4),
 35 or any other provision of law, ~~the State Board of Education may adopt rules authorizing~~ local
 36 boards of education ~~to~~ may dispose of discontinued instructional material, including
 37 ~~State-adopted textbooks."~~

38 **SECTION 23.** G.S. 115C-102.6A(c) reads as rewritten:

39 "(c) Components of the State school technology plan shall include at least the following:

40 ...

41 (5) ~~A comprehensive policy for inventory control.~~

42"

43 **SECTION 24.(a)** Part 5 of Article 8 of Chapter 115C of the General Statutes is
 44 repealed.

45 **SECTION 24.(b)** The Governor shall give notice in writing to the governors of all
 46 party states to the Compact for Education that the State of North Carolina has repealed the
 47 Compact and is withdrawing from the Compact.

48 **SECTION 25.** Article 8B of Chapter 115C of the General Statutes reads as
 49 rewritten:

50 "Article 8B.

51 "School-Based Management and Accountability Program.

"Part 1. Implementation of Program.

"§ 115C-105.20. School-Based Management and Accountability Program.

(a) The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.

(b) In order to support local boards of education and schools ~~that are not meeting either the goals of their curriculum implementation plans or their academic performance standards, in the implementation of this Program,~~ the State Board of Education shall adopt guidelines, including guidelines to:

- (1) Assist local boards and schools in the ~~development—development,~~ modification, and implementation of school-based management under Part 2 of this Article.~~their curriculum implementation plans.~~
- (2) Recognize the schools that meet or exceed their goals.
- (3) Identify schools that are not meeting the goals set out in their curriculum implementation plans and low-performing schools under G.S. 115C-105.37, and create ~~assistance—auditing~~ teams that the Board may assign to ~~schools identified as low-performing under G.S. 115C-105.37.~~ such schools. The ~~assistance—auditing~~ teams should consist of currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the State Board considers appropriate.
- (4) Enable ~~assistance—auditing~~ teams to make appropriate recommendations under G.S. 115C-105.38.
- (5) Establish a process to resolve disputes between local boards and schools in the development and implementation of ~~school improvement—curriculum implementation~~ plans under G.S. 115C-105.27. This process shall provide for final resolution of the disputes.

"§ 115C-105.21. Local participation in the Program.

(a) Local school administrative units shall participate in the School-Based Management and Accountability ~~Program.~~ Program in accordance with their curriculum implementation plan.

(b) The School-Based Management and Accountability Program shall provide increased local control of schools with the goal of improving student performance. Local boards of education:

- (1) Are allowed increased flexibility in the expenditure of State funds, in accordance with G.S. 115C-105.25; and
- (2) May be granted waivers of certain State laws, regulations, and policies that inhibit their ability to reach local accountability goals, in accordance with G.S. 115C-105.26.

~~(c) The School-Based Management and Accountability Program shall be based upon an accountability, recognition, assistance, and intervention process in order to hold each school and the school's personnel accountable for improved student performance in the school.~~

"Part 2. School-Based Management.

"§ 115C-105.25. Budget flexibility.

(a) Consistent with improving student performance, a local board shall provide maximum flexibility to schools in the use of funds to enable the schools to accomplish their goals.

(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

- (1) In accordance with a ~~school improvement plan accepted under G.S. 115C-105.27,~~ curriculum implementation plan, State funds allocated for teacher assistants may be transferred only for personnel (i) to serve students only in kindergarten through third grade, or (ii) to serve students

1 primarily in kindergarten through third grade when the personnel are
2 assigned to an elementary school to serve the whole school. Funds allocated
3 for teacher assistants may be transferred to reduce class size or to reduce the
4 student-teacher ratio in kindergarten through third grade so long as the
5 affected teacher assistant positions are not filled when the plan is amended
6 or approved by the building-level staff entitled to vote on the plan or the
7 affected teacher assistant positions are not expected to be filled on the date
8 the plan is to be implemented. Any State funds appropriated for teacher
9 assistants that were converted to certificated teachers before July 1, 1995, in
10 accordance with Section 1 of Chapter 986 of the 1991 Session Laws, as
11 rewritten by Chapter 103 of the 1993 Session Laws, may continue to be used
12 for certificated teachers.

13 ~~(2) In accordance with a school improvement plan accepted under~~
14 ~~G.S. 115C-105.27, (i) State funds allocated for classroom~~
15 ~~materials/instructional supplies/equipment may be transferred only for the~~
16 ~~purchase of textbooks; (ii) State funds allocated for textbooks may be~~
17 ~~transferred only for the purchase of instructional supplies, instructional~~
18 ~~equipment, or other classroom materials; and (iii) State funds allocated for~~
19 ~~noninstructional support personnel may be transferred only for teacher~~
20 ~~positions.~~

21 ~~(2a) Up to three percent (3%) of State funds allocated for noninstructional~~
22 ~~support personnel may be transferred for staff development.~~

23 ~~(3) No funds shall be transferred into the central office allotment category.~~

24 (4) Funds allocated for children with disabilities, for students with limited
25 English proficiency, and for driver's education shall not be transferred.

26 (5) Funds allocated for classroom teachers may be transferred only for teachers
27 of exceptional children, for teachers of at-risk students, and for authorized
28 purposes under the textbooks allotment category and the classroom
29 materials/instructional supplies/equipment allotment category.

30 (5a) Positions allocated for classroom teachers may be converted to dollar
31 equivalents to contract for visiting international exchange teachers. These
32 positions shall be converted at the statewide average salary for classroom
33 teachers, including benefits. The converted funds shall be used only to cover
34 the costs associated with bringing visiting international exchange teachers to
35 the local school administrative unit through a State-approved visiting
36 international exchange teacher program and supporting the visiting exchange
37 teachers.

38 (6) Funds allocated for vocational education may be transferred only in
39 accordance with any rules that the State Board of Education considers
40 appropriate to ensure compliance with federal regulations.

41 (7) Funds allocated for career development shall be used in accordance with
42 Section 17.3 of Chapter 324 of the 1995 Session Laws.

43 (8) Funds allocated for academically or intellectually gifted students may be
44 used only (i) for academically or intellectually gifted students; (ii) to
45 implement the plan developed under G.S. 115C-150.7; or (iii) in accordance
46 with an accepted ~~school improvement curriculum implementation~~ plan, for
47 any purpose so long as that school demonstrates it is providing appropriate
48 services to academically or intellectually gifted students assigned to that
49 school in accordance with the local plan developed under G.S. 115C-150.7.

- 1 (9) Funds allocated in the Alternative Schools/At-Risk Student allotment shall
2 be spent only for alternative learning programs, at-risk students, and school
3 safety programs.

4 **"§ 115C-105.26. Waivers of State laws, rules, or policies.**

5 (a) When included as part of a ~~school improvement plan accepted under~~
6 ~~G.S. 115C-105.27, curriculum implementation plan~~, local boards of education shall submit
7 requests for waivers of State laws, rules, or policies to the State Board of Education. A request
8 for a waiver shall (i) identify the school making the request, (ii) identify the State laws, rules, or
9 policies that inhibit the school's ability to improve student performance, (iii) set out with
10 specificity the circumstances under which the waiver may be used, and (iv) explain how the
11 requested waiver will permit the school to improve student performance. Except as provided in
12 subsection (c) of this section, the State Board shall grant waivers only for the specific schools
13 for which they are requested and shall be used only under the specific circumstances for which
14 they are requested.

15 (b) When requested as part of a ~~school improvement curriculum implementation plan~~,
16 the State Board of Education may grant waivers of:

- 17 (1) State laws pertaining to class size and teacher certification; and
18 (2) State rules and policies, except those pertaining to public school State salary
19 schedules and employee benefits for school employees, the instructional
20 program that must be offered under the Basic Education Program, the system
21 of employment for public school teachers and administrators set out in
22 G.S. 115C-287.1 and G.S. 115C-325, health and safety codes, compulsory
23 attendance, the minimum lengths of the school day and year, and the
24 Uniform Education Reporting System.

25 (c) The State Board also may grant requests received from local boards for waivers of
26 State laws, rules, or policies that affect the organization, duties, and assignment of central
27 office staff only. However, none of the duties to be performed under G.S. 115C-436 may be
28 waived.

29 (c1) The State Board also may grant requests received from local boards for waivers of
30 State laws, rules, or policies that require that each local school administrative unit provide at
31 least one alternative school or at least one alternative learning program.

32 (d) Notwithstanding subsections (b) and (c) of this section, the State Board shall not
33 grant waivers of G.S. 115C-12(16)b. regarding the placement of State-allotted office support
34 personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the
35 State Board.

36 (e) Notwithstanding subsection (b) of this section, the State Board may grant requests
37 received from local boards for waivers of State laws, rules, or policies pertaining to the
38 placement of principals on the State salary schedule for public school administrators in order to
39 provide financial incentives to encourage principals to accept employment in a school that has
40 been identified as low-performing under G.S. 115C-105.37. The State Board shall act on
41 requests under this subsection at the first Board meeting following receipt of each request.

42 (f) Except as provided in subsection (e) of this section, the State Board shall act within
43 60 days of receipt of all requests for waivers under this section.

44 (g) The State Board shall, on a regular basis, review all waivers it has granted to
45 determine whether any rules should be repealed or modified or whether the Board should
46 recommend to the General Assembly the repeal or modification of any laws.

47 **~~"§ 115C-105.27. Development and approval of school improvement plans.~~**

48 (a) ~~In order to improve student performance, each school shall develop a school~~
49 ~~improvement plan that takes into consideration the annual performance goal for that school that~~
50 ~~is set by the State Board under G.S. 115C-105.35 and the goals set out in the mission statement~~
51 ~~for the public schools adopted by the State Board of Education. The principal of each school,~~

1 representatives of the assistant principals, instructional personnel, instructional support
2 personnel, and teacher assistants assigned to the school building, and parents of children
3 enrolled in the school shall constitute a school improvement team to develop a school
4 improvement plan to improve student performance. Representatives of the assistant principals,
5 instructional personnel, instructional support personnel, and teacher assistants shall be elected
6 by their respective groups by secret ballot. Unless the local board of education has adopted an
7 election policy, parents shall be elected by parents of children enrolled in the school in an
8 election conducted by the parent and teacher organization of the school or, if none exists, by the
9 largest organization of parents formed for this purpose. Parents serving on school improvement
10 teams shall reflect the racial and socioeconomic composition of the students enrolled in that
11 school and shall not be members of the building level staff. Parental involvement is a critical
12 component of school success and positive student achievement; therefore, it is the intent of the
13 General Assembly that parents, along with teachers, have a substantial role in developing
14 school improvement plans. To this end, school improvement team meetings shall be held at a
15 convenient time to assure substantial parent participation.

16 All school improvement plans shall be, to the greatest extent possible, data driven. School
17 improvement teams shall use the Education Value Added Assessment System (EVAAS) or a
18 compatible and comparable system approved by the State Board of Education, to analyze
19 student data to identify root causes for problems, to determine actions to address them, and to
20 appropriately place students in courses such as Algebra I. School improvement plans shall
21 contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious
22 time frames for meeting the measurement standards.

23 (b) The strategies for improving student performance:

- 24 (1) Shall include a plan for the use of staff development funds that may be made
25 available to the school by the local board of education to implement the
26 school improvement plan. The plan may provide that a portion of these
27 funds is used for mentor training and for release time and substitute teachers
28 while mentors and teachers mentored are meeting;
- 29 (1a) Repealed by Session Laws 2012-142, s. 7A.1(e), effective July 2, 2012.
- 30 (2) Shall include a plan to address school safety and discipline concerns;
- 31 (3) May include a decision to use State funds in accordance with
32 G.S. 115C-105.25;
- 33 (4) Shall include a plan that specifies the effective instructional practices and
34 methods to be used to improve the academic performance of students
35 identified as at risk of academic failure or at risk of dropping out of school;
- 36 (5) May include requests for waivers of State laws, rules, or policies for that
37 school. A request for a waiver shall meet the requirements of
38 G.S. 115C-105.26;
- 39 (6) Shall include a plan to provide a duty free lunch period for every teacher on
40 a daily basis or as otherwise approved by the school improvement team; and
- 41 (7) Shall include a plan to provide duty free instructional planning time for
42 every teacher under G.S. 115C-301.1, with the goal of providing an average
43 of at least five hours of planning time per week.

44 (c) Support among affected staff members is essential to successful implementation of a
45 school improvement plan to address improved student performance at that school. The
46 principal of the school shall present the proposed school improvement plan to all of the
47 principals, assistant principals, instructional personnel, instructional support personnel, and
48 teacher assistants assigned to the school building for their review and vote. The vote shall be by
49 secret ballot. The principal shall submit the school improvement plan to the local board of
50 education only if the proposed school improvement plan has the approval of a majority of the
51 staff who voted on the plan.

1 (d) The local board of education shall accept or reject the school improvement plan.
2 The local board shall not make any substantive changes in any school improvement plan that it
3 accepts. If the local board rejects a school improvement plan, the local board shall state with
4 specificity its reasons for rejecting the plan; the school improvement team may then prepare
5 another plan, present it to the principals, assistant principals, instructional personnel,
6 instructional support personnel, and teacher assistants assigned to the school building for a
7 vote, and submit it to the local board to accept or reject. If no school improvement plan is
8 accepted for a school within 60 days after its initial submission to the local board, the school or
9 the local board may ask to use the process to resolve disagreements recommended in the
10 guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made,
11 both the school and local board shall participate in the process to resolve disagreements. If
12 there is no request to use that process, then the local board may develop a school improvement
13 plan for the school. The General Assembly urges the local board to utilize the school's proposed
14 school improvement plan to the maximum extent possible when developing such a plan.

15 (e) A school improvement plan shall remain in effect for no more than two years;
16 however, the school improvement team may amend the plan as often as is necessary or
17 appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the
18 local board finds that a school improvement plan is impeding student performance at a school,
19 the local board may vacate the relevant portion of the plan and may direct the school to revise
20 that portion. The procedures set out in this subsection shall apply to amendments and revisions
21 to school improvement plans.

22 (f) If a local board of education finds that a school improvement plan adequately covers
23 another plan that the local school administrative unit is otherwise required to prepare, the local
24 school administrative unit shall not be required to prepare an additional plan on the matter.

25 **~~§ 115C-105.30. Distribution of staff development funds.~~**

26 Any funds the local board of education makes available to an individual school building to
27 implement the school improvement plan at that school shall be used in accordance with that
28 plan.

29 Each local board shall distribute seventy five percent (75%) of the funds in the staff
30 development funding allotment to the schools to be used in accordance with that school's
31 school improvement plan. By October 1 of each year, the principal shall disclose to all affected
32 personnel the total allocation of all funds available to the school for staff development and the
33 superintendent shall disclose to all affected personnel the total allocation of all funds available
34 at the system level for staff development. At the end of the fiscal year, the principal shall make
35 available to all affected personnel a report of all disbursements from the building level staff
36 development funds, and the superintendent shall make available to all affected personnel a
37 report of all disbursements at the system level of staff development funds.

38 **~~§ 115C-105.32. Parent involvement programs and conflict resolution programs as part
39 of school improvement plans, curriculum implementation plans.~~**

40 A school is encouraged to include a comprehensive parent involvement program as part of
41 its school improvement plan under G.S. 115C-105.27. curriculum implementation plan. The
42 State Board of Education shall develop a list of recommended strategies that it determines to be
43 effective, which building level committees may use to establish parent involvement programs
44 designed to meet the specific needs of their schools. The Board shall make the list available to
45 local school administrative units and school buildings by the beginning of the 1994-95 school
46 year.

47 A school is encouraged to review its need for a comprehensive conflict resolution program
48 as part of the development of its school improvement plan under G.S. 115C-105.27. If a school
49 determines that this program is needed, it may select from the list developed by the State Board
50 of Education under G.S. 115C-81(a4) or may develop its own materials and curricula to be
51 approved by the local board of education. curriculum implementation plan.

1 **"§ 115C-105.33. Safe and orderly schools.**

2 A school improvement team or a parent organization at a school may ask the local board of
3 education to provide assistance in promoting or restoring safety and an orderly learning
4 environment at a school. The school improvement team or parent organization shall file a copy
5 of this request with the State Board. If the local board fails to provide adequate assistance to the
6 school, then the school improvement team or parent organization may ask the State Board to
7 provide an assistance team to the school.

8 The State Board may provide an assistance auditing team, established under
9 G.S. 115C-105.38, to a school in order to promote or restore safety and an orderly learning
10 environment at that school if ~~one of the following applies:~~

- 11 (1) ~~The the~~ local board of education or superintendent requests that the State
12 Board provide an assistance auditing team to a school and the State Board
13 determines that the school needs assistance assistance from the auditing
14 team.
- 15 (2) ~~The State Board determines within 10 days after its receipt of the request for~~
16 ~~assistance from a school improvement team or parent organization of a~~
17 ~~school that the school needs assistance and that the local board has failed to~~
18 ~~provide adequate assistance to that school.~~

19 If an assistance auditing team is assigned to a school under this section, the team shall
20 spend a sufficient amount of time at the school to assess the problems at the school, assist
21 school personnel with resolving those problems, and work with school personnel and others to
22 develop a long-term plan for restoring and maintaining safety and an orderly learning
23 environment at the school. The assistance auditing team also shall make recommendations to
24 the local board of education and the superintendent on actions the board and the superintendent
25 should consider taking to resolve problems at the school. These recommendations shall be in
26 writing and are public records. If an assistance auditing team is assigned to a school under this
27 section, the powers given to the State Board and the assistance auditing team under
28 G.S. 115C-105.38 and G.S. 115C-105.39 shall apply as if the school had been identified as
29 low-performing under this Article.

30 "Part 3. School-Based Accountability.

31 **"§ 115C-105.35. Annual performance goals.**

32 (a) The School-Based Management and Accountability Program developed by the local
33 school administrative unit in its curriculum implementation plan shall (i) focus on student
34 performance in the basics of reading, mathematics, and communications skills in elementary
35 and middle schools, (ii) focus on student performance in courses required for graduation and on
36 other measures required by the State Board in the high schools, and (iii) hold schools
37 accountable for the educational growth of their students. ~~To those ends, the State Board shall~~
38 ~~design and implement an accountability system that sets annual performance standards for each~~
39 ~~school in the State in order to measure the growth in performance of the students in each~~
40 ~~individual school. During the 2004-2005 school year and at least every five years thereafter, the~~
41 ~~State Board shall evaluate the accountability system and, if necessary, modify the testing~~
42 ~~standards to assure the testing standards continue to reasonably reflect the level of performance~~
43 ~~necessary to be successful at the next grade level or for more advanced study in the content~~
44 ~~area.~~

45 As part of this evaluation, the Board shall, where available, review the historical trend data
46 on student academic performance on State tests. To the extent that the historical trend data
47 suggest that the current standards for student performance may not be appropriate, ~~the State~~
48 ~~Board shall adjust the standards to assure that they continue to reflect the State's high~~
49 ~~expectations for student performance.~~ appropriate in a local school administrative unit, the State
50 Board of Education shall assign an auditing team to the unit.

1 ~~(b) For purposes of this Article, the State Board shall include a "closing the~~
2 ~~achievement gap" component in its measurement of educational growth in student performance~~
3 ~~for each school. The "closing the achievement gap" component shall measure and compare the~~
4 ~~performance of each subgroup in a school's population to ensure that all subgroups as identified~~
5 ~~by the State Board are meeting State standards.~~

6 ~~(c) The State Board shall consider incorporating into the School Based Management~~
7 ~~and Accountability Program a character and civic education component which may include a~~
8 ~~requirement for student councils.~~

9 **~~"§ 115C-105.36. Performance recognition.~~**

10 ~~(a) The personnel in schools that achieve a level of expected growth greater than one~~
11 ~~hundred percent (100%) at a level to be determined by the State Board of Education are eligible~~
12 ~~for financial awards in amounts set by the State Board. Schools and personnel shall not be~~
13 ~~required to apply for these awards. For the purpose of this section, "personnel" includes the~~
14 ~~principal, assistant principal, instructional personnel, instructional support personnel, and~~
15 ~~teacher assistants (i) serving students in one or more of the grades kindergarten through 12 or~~
16 ~~(ii) assigned to a public school prekindergarten program that is located within a public~~
17 ~~elementary school and is designed to prepare students for kindergarten at that school.~~

18 ~~(b) The State Board shall establish a procedure to allocate the funds for these awards to~~
19 ~~the local school administrative units in which the eligible schools are located. Funds shall~~
20 ~~become available for expenditure July 1 of each fiscal year. Funds shall remain available until~~
21 ~~November 30 of the subsequent fiscal year for expenditure for awards to the personnel. Each~~
22 ~~local school administrative unit is encouraged to make these awards to each eligible person no~~
23 ~~later than the first regular teacher payroll following the local unit's receipt of the funds, and~~
24 ~~shall make these awards to each eligible person no later than the second regular teacher payroll~~
25 ~~following the local unit's receipt of the funds.~~

26 **~~"§ 115C-105.37. Identification of low-performing schools.~~**

27 ~~(a) The State Board of Education shall design and implement a procedure to identify~~
28 ~~low-performing schools on an annual basis. Low-performing schools are those in which there is~~
29 ~~a failure to meet the minimum growth standards, standards based on the tests administered~~
30 ~~pursuant to G.S. 115C-174.11, as defined by the State Board, and a majority of students are~~
31 ~~performing below grade level.~~

32 ~~(a1) By July 10 of each year, each local school administrative unit shall do a preliminary~~
33 ~~analysis of test results to determine which of its schools the State Board may identify as~~
34 ~~low-performing under this section. The superintendent then shall proceed under~~
35 ~~G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as~~
36 ~~low-performing by the local school administrative unit or the State Board, whichever occurs~~
37 ~~first, the superintendent shall submit to the local board a preliminary plan for appropriately~~
38 ~~implementing the curriculum implementation plan or modifying it to addressing address the~~
39 ~~needs of that school, including how the superintendent and other central office administrators~~
40 ~~will work with the school and monitor the school's progress. Within 30 days of its receipt of~~
41 ~~this plan, the local board shall vote to approve, modify, or reject this plan. Before the board~~
42 ~~makes this vote, it shall make the plan available to the public, including the personnel assigned~~
43 ~~to that school and the parents and guardians of the students who are assigned to the school, and~~
44 ~~shall allow for written comments. The board shall submit the plan to the State Board within~~
45 ~~five days of the board's vote. The State Board shall review the plan expeditiously and, if~~
46 ~~appropriate, may offer recommendations to modify the plan. The local board shall consider any~~
47 ~~recommendations made by the State Board.~~

48 ~~(b) Each school that the State Board identifies as low-performing shall provide written~~
49 ~~notification to the parents of students attending that school. The written notification shall~~
50 ~~include a statement that the State Board of Education has found that the school has "failed to~~
51 ~~meet the minimum growth standards, as defined by the State Board, and a majority of students~~

1 in the school are performing below grade level." This notification also shall include information
2 about the plan developed under subsection (a1) of this section and a description of any
3 additional steps the school is taking to improve student performance.

4 **"§ 115C-105.37A. Continually low-performing schools; definition; assistance and**
5 **intervention; reassignment of students.**

6 (a) Definition of Continually Low-Performing Schools. – A continually low-performing
7 school is a school that has received State-mandated assistance and has been designated by the
8 State Board as low performing for at least two of three consecutive years. If the State Board
9 identifies a school as continually low ~~performing~~performing,

10 (1) ~~The school improvement team at that school shall review its school~~
11 ~~improvement plan to ensure consistency with the plan adopted pursuant to~~
12 ~~G.S. 115C-105.38(b)(3), and~~

13 (2) ~~The~~ the curriculum implementation plan for the local school administrative
14 unit must be reviewed and ~~approved~~ reapproved by the State Board of
15 Education.

16 (b) Assistance to Schools That Are Low Performing for Two Years. – If a school that
17 has received State-mandated assistance is designated by the State Board as low performing for
18 two consecutive years or for two of three consecutive years, the State Board shall provide a
19 series of progressive assistance and intervention strategies to that school. These strategies shall
20 be designed to improve student achievement and to maintain student achievement at
21 appropriate levels and may include, to the extent that funds are available for this purpose,
22 assistance such as reductions in class size, extension of teacher and assistant principal
23 contracts, extension of the instructional year, and grant-based assistance.

24 (c) Intervention in Schools That Are Low Performing for Three or More Years. – The
25 State Board of Education shall develop and implement a series of actions for providing
26 assistance and intervention to schools that have previously received State-mandated assistance
27 and have been designated by the State Board as low performing for three or more consecutive
28 years or for at least three out of four years. These actions shall be the least intrusive actions that
29 are consistent with the need to improve student achievement at each such school and shall be
30 adapted to the unique characteristics of each such school and the effectiveness of other actions
31 developed or implemented to improve student achievement at each such school.

32 **"§ 115C-105.37B. Reform of continually low-performing schools.**

33 (a) Notwithstanding any other provision of this Article, the State Board of Education is
34 authorized to approve a local board of education's request to reform any school in its
35 administrative unit which the State Board of Education has identified as one of the continually
36 low-performing schools in North Carolina.

37 If the State Board of Education approves a local board of education's request to reform a
38 school, the State Board of Education may authorize the local board of education to adopt one of
39 the following ~~models~~ models, which shall be included in the annual update to its curriculum
40 implementation plan, in accordance with State Board of Education requirements:

41 (1) Transformation model, which would address the following four specific
42 areas critical to transforming a continually low-performing school:

- 43 a. Developing and increasing teacher and school leader effectiveness.
- 44 b. Comprehensive instructional reform strategies.
- 45 c. Increasing learning time and creating community-oriented schools.
- 46 d. Providing operational flexibility and sustained support.

47 (2) Restart model, in which the State Board of Education would authorize the
48 local board of education to operate the school with the same exemptions
49 from statutes and rules as a charter school authorized under Part 6A of
50 Article 16 of this Chapter, or under the management of an educational
51 management organization that has been selected through a rigorous review

1 process. A school operated under this subdivision remains under the control
2 of the local board of education, and employees assigned to the school are
3 employees of the local school administrative unit with the protections
4 provided by G.S. 115C-325.

5 (3) Turnaround model, which would involve, among other actions, replacing the
6 principal, if the principal has been in that position for at least three years,
7 and rehiring no more than fifty percent (50%) of the school's staff, adopting
8 a new governance structure at the school consistent with this Article, and
9 implementing an instructional program aligned with the Standard Course of
10 Study.

11 (4) School closure model, in which a local school administrative unit would
12 close the school consistent with G.S. 115C-72 and enroll the students who
13 attended the school in other, higher-achieving schools in the local school
14 administrative unit consistent with Article 25 of this Chapter.

15 (b) The State Board of Education shall adopt rules to develop requirements for the
16 models for school reform established in subsection (a) of this section.

17 (c) The State Board shall establish a procedure to implement this section. This
18 procedure shall include annual reporting requirements from local boards that are authorized to
19 use one of the models under this section and shall include a procedure for removing or
20 continuing the authorization.

21 (d) Nothing in this section shall be construed to limit the authority of a local board of
22 education as otherwise provided in this Chapter.

23 **"§ 115C-105.38. ~~Assistance~~ Auditing teams; review by State Board.**

24 (a) The State Board of Education may assign an ~~assistance~~ auditing team to any school
25 identified as low-performing under this ~~Article or Article~~, to any other school that requests an
26 assistance team and that the State Board determines would benefit from an assistance ~~team~~
27 team, or to any other school or local school administrative unit that the State Board deems
28 necessary. The State Board shall give priority to low-performing schools in which the
29 educational performance of the students is declining. The Department of Public Instruction
30 shall, with the approval of the State Board, provide staff as needed and requested by an
31 assistance team.

32 (b) When assigned to an identified low-performing school, an assistance team shall:

33 (1) Review and investigate all facets of school operations and assist in
34 developing recommendations for improving student performance at that
35 school.

36 (2) Evaluate at least semiannually the personnel assigned to the school and
37 make findings and recommendations concerning their performance.

38 (3) Collaborate with school staff, central offices, and local boards of education
39 in the design, implementation, and monitoring of a plan that, if fully
40 implemented, can reasonably be expected to alleviate problems and improve
41 student performance at that school.

42 (4) Make recommendations as the school develops and implements this plan.

43 (5) Review the school's progress.

44 (6) Report, as appropriate, to the local board of education, the community, and
45 the State Board on the school's progress. If an assistance team determines
46 that ~~an accepted school improvement plan developed under~~
47 G.S. 115C-105.27 the curriculum implementation plan is impeding student
48 performance at a school, the team may recommend to the local board that it
49 vacate the relevant portions of that plan and direct the ~~school~~ local school
50 administrative unit to revise those portions.

1 (b1) Report to the State Board of Education if a school and its local board of education
2 are not responsive to the team's recommendations. A copy of that report shall be made available
3 to the local board, and the local board shall have an opportunity to respond. Notwithstanding
4 G.S. 115C-36 and other provisions of this Chapter, if the State Board confirms that the school
5 and local board have failed to take appropriate steps to improve student performance at that
6 ~~school, school or to remedy what the State Board deems to be serious deficiencies in the~~
7 curriculum implementation plan or its implementation, the State Board shall assume all powers
8 and duties previously conferred upon that local board and that school and shall have general
9 control and supervision of all matters pertaining to that school until student performance at the
10 school meets or exceeds the standards set for the school. The State Board may, as it considers
11 appropriate, delegate any powers and duties to that local board or school before the school
12 meets or exceeds those standards.

13 (c) If a school fails to improve student performance or to remedy the deficiencies in the
14 curriculum implementation plan or is implementation after assistance is provided under this
15 section, the ~~assistance-auditing~~ team may recommend that the assistance continues or that the
16 State Board take further action under G.S. 115C-105.39.

17 (d) The State Board shall annually review the progress made in identified
18 low-performing schools.

19 ~~"§ 115C-105.38A. Teacher competency assurance.~~

20 (a) ~~General Knowledge Test.—~~

21 (1) ~~Each assistance team assigned to a low performing school during the~~
22 ~~1997-98 school year shall review the team's evaluations of certified staff~~
23 ~~members to determine which staff members have been designated by the~~
24 ~~team as Category 3 teachers. The assistance team shall then determine~~
25 ~~whether lack of general knowledge contributed to the Category 3~~
26 ~~designation. If the assistance team determines that a certified staff member's~~
27 ~~lack of general knowledge contributed to that staff member being designated~~
28 ~~as a Category 3 teacher, the assistance team shall submit the staff member's~~
29 ~~name to the State Board. Upon receipt of the notification, the State Board~~
30 ~~shall require that the certified staff members identified by the assistance~~
31 ~~teams demonstrate their general knowledge by acquiring a passing score on~~
32 ~~a test designated by the State Board. The State Board shall administer the~~
33 ~~general knowledge test required under this subdivision at the end of the~~
34 ~~1997-98 school year.~~

35 (2) ~~During the 1998-99 school year and thereafter, either the principal assigned~~
36 ~~to a low performing school or the assistance team assigned to a~~
37 ~~low performing school may recommend to the State Board that a certified~~
38 ~~staff member take a general knowledge test. A principal or an assistance~~
39 ~~team may make this recommendation if the principal or the assistance team~~
40 ~~determines that the certified staff member's performance is impaired by the~~
41 ~~staff member's lack of general knowledge. After receipt of the notification,~~
42 ~~but prior to the end of the fiscal year, the State Board shall require that all~~
43 ~~certified staff members identified under this subdivision demonstrate their~~
44 ~~general knowledge by acquiring a passing score on a test designated by the~~
45 ~~State Board.~~

46 (b) ~~Repealed by Session Laws 1998-5, s. 1.~~

47 (c) ~~Remediation.—Certified staff members who do not acquire a passing score on the~~
48 ~~test required under subsection (a) of this section shall engage in a remediation plan based upon~~
49 ~~the deficiencies identified by the test, or an assistance team, or a principal. The remediation~~
50 ~~plan for deficiencies of individual certified staff members shall consist of up to a semester of~~
51 ~~university or community college training or coursework or other similar activity to correct the~~

1 ~~deficiency. The remediation shall be developed by the State Board of Education in consultation~~
2 ~~with the Board of Governors of The University of North Carolina. The State Board shall~~
3 ~~reimburse the institution providing the remediation any tuition and fees incurred under this~~
4 ~~section. If the remediation plan requires that the staff member engage in a full-time course of~~
5 ~~study or training, the staff member shall be considered on leave with pay.~~

6 ~~(d) Retesting; Dismissal.—Upon completion of the remediation plan required under~~
7 ~~subsection (c) of this section, the certified staff member shall take the general knowledge test a~~
8 ~~second time. If the certified staff member fails to acquire a passing score on the second test, the~~
9 ~~State Board shall begin a dismissal proceeding under G.S. 115C-325(q)(2a).~~

10 ~~(e) Repealed by Session Laws 1998-5, s.1.~~

11 ~~(f) Other Actions Not Precluded.—Nothing in this section shall be construed to restrict~~
12 ~~or postpone the following actions:~~

13 ~~(1) The dismissal of a principal under G.S. 115C-325(q)(1);~~

14 ~~(2) The dismissal of a teacher, assistant principal, director, or supervisor under~~
15 ~~G.S. 115C-325(q)(2);~~

16 ~~(3) The dismissal or demotion of a career employee for any of the grounds listed~~
17 ~~under G.S. 115C-325(e);~~

18 ~~(4) The nonrenewal of a school administrator's or probationary teacher's contract~~
19 ~~of employment; or~~

20 ~~(5) The decision to grant career status.~~

21 ~~(g) Repealed by Session Laws 1998-5, s.1.~~

22 **"§ 115C-105.39. Dismissal or removal of personnel; appointment of interim**
23 **superintendent.**

24 (a) Within 30 days of the initial identification of a school as low-performing, whether
25 by the local school administrative unit under G.S. 115C-105.37(a1) or by the State Board under
26 G.S. 115C-105.37(a), the superintendent shall take one of the following actions concerning the
27 school's principal: (i) recommend to the local board that the principal be retained in the same
28 position, (ii) recommend to the local board that the principal be retained in the same position
29 and a plan of remediation should be developed, (iii) recommend to the local board that the
30 principal be transferred, or (iv) proceed under G.S. 115C-325 to dismiss or demote the
31 principal. The principal may be retained in the same position without a plan for remediation
32 only if the principal was in that position for no more than two years before the school is
33 identified as low-performing. The principal shall not be transferred to another principal position
34 unless (i) it is in a school classification in which the principal previously demonstrated at least
35 2 years of success, (ii) there is a plan to evaluate and provide remediation to the principal for at
36 least one year following the transfer to assure the principal does not impede student
37 performance at the school to which the principal is being transferred; and (iii) the parents of the
38 students at the school to which the principal is being transferred are notified. The principal shall
39 not be transferred to another low-performing school in the local school administrative unit. If
40 the superintendent intends to recommend demotion or dismissal, the superintendent shall notify
41 the local board. Within 15 days of (i) receiving notification that the superintendent intends to
42 proceed under G.S. 115C-325, or (ii) its decision concerning the superintendent's
43 recommendation, but no later than September 30, the local board shall submit to the State
44 Board a written notice of the action taken and the basis for that action. If the State Board does
45 not assign an assistance team to that school or if the State Board assigns an assistance team to
46 that school and the superintendent proceeds under G.S. 115C-325 to dismiss or demote the
47 principal, then the State Board shall take no further action. If the State Board assigns an
48 assistance team to the school and the superintendent is not proceeding under G.S. 115C-325 to
49 dismiss or demote the principal, then the State Board shall vote to accept, reject, or modify the
50 local board's recommendations. The State Board shall notify the local board of its action within
51 five days. If the State Board rejects or modifies the local board's recommendations and does not

1 recommend dismissal of the principal, the State Board's notification shall include recommended
2 action concerning the principal's assignment or terms of employment. Upon receipt of the State
3 Board's notification, the local board shall implement the State Board's recommended action
4 concerning the principal's assignment or terms of employment unless the local board asks the
5 State Board to reconsider that recommendation. The State Board shall provide an opportunity
6 for the local board to be heard before the State Board acts on the local board's request for a
7 reconsideration. The State Board shall vote to affirm or modify its original recommended
8 action and shall notify the local board of its action within five days. Upon receipt of the State
9 Board's notification, the local board shall implement the State Board's final recommended
10 action concerning the principal's assignment or terms of employment. If the State Board rejects
11 or modifies the local board's action and recommends dismissal of the principal, the State Board
12 shall proceed under G.S. 115C-325(q)(1).

13 (b) The State Board shall proceed under G.S. 115C-325(q)(2) for the dismissal of
14 teachers, assistant principals, directors, and supervisors assigned to a school identified as
15 low-performing in accordance with G.S. 115C-325(q)(2).

16 (c) The State Board may appoint an interim superintendent in a local school
17 administrative unit:

18 (1) Upon the identification of more than half the schools in that unit as
19 low-performing under G.S. 115C-105.37; or

20 (2) Upon the recommendation from an assistance team assigned to a school
21 located in that unit that has been identified as low-performing under
22 G.S. 115C-105.37. This recommendation shall be based upon a finding that
23 the superintendent has failed to cooperate with the assistance team or has
24 otherwise hindered that school's ability to improve.

25 The State Board may assign any of the powers and duties of the local superintendent and
26 the local finance officer to the interim superintendent that the Board considers are necessary or
27 appropriate to improve student performance in the local school administrative unit. The interim
28 superintendent shall perform all of these assigned powers and duties. The State Board of
29 Education may terminate the contract of any local superintendent entered into on or after July
30 1, 1996, when it appoints an interim superintendent. The Administrative Procedure Act shall
31 apply to that decision. Neither party to that contract is entitled to damages.

32 (d) In the event the State Board has appointed an interim superintendent and the State
33 Board determines that the local board of education has failed to cooperate with the interim
34 superintendent or has otherwise hindered the ability to improve student performance in that
35 local school administrative unit or in a school in that unit, the State Board may suspend any of
36 the powers and duties of the local board of education that the State Board considers are
37 necessary or appropriate to improve student performance in the local school administrative
38 unit. The State Board shall perform all of these assigned powers and duties for a period of time
39 to be specified by the State Board.

40 (e) If the State Board suspends any of the powers and duties of the local board of
41 education under subsection (d) of this section and subsequently determines it is necessary to
42 change the governance of the local school administrative unit in order to improve student
43 performance, the State Board may recommend this change to the General Assembly, which
44 shall consider, at its next session, the future governance of the identified local school
45 administrative unit.

46 (f) The State Board may also proceed under this section to dismiss or remove personnel
47 if it finds that there are serious deficiencies in a curriculum implementation plan or its
48 implementation.

49 ~~"§ 115C-105.40. Student academic performance standards.~~

50 ~~The State Board of Education shall develop a plan to create rigorous student academic~~
51 ~~performance standards for kindergarten through eighth grade and student academic~~

1 performance standards for courses in grades 9-12. The performance standards shall align,
2 whenever possible, with the student academic performance standards developed for the
3 National Assessment of Educational Progress (NAEP). The plan also shall include clear and
4 understandable methods of reporting individual student academic performance to parents.

5 ~~"§ 115C-105.41. Students who have been placed at risk of academic failure; personal
6 education plans; transition teams and transition plans.~~

7 (a) ~~In order to implement Part 1A of Article 8 of this Chapter, local school
8 administrative units shall identify students who are at risk for academic failure and who are not
9 successfully progressing toward grade promotion and graduation, beginning in kindergarten.
10 Identification shall occur as early as can reasonably be done and can be based on grades,
11 observations, diagnostic and formative assessments, State assessments, and other factors,
12 including reading on grade level, that impact student performance that teachers and
13 administrators consider appropriate, without having to await the results of end-of-grade or
14 end-of-course tests. No later than the end of the first quarter, or after a teacher has had up to
15 nine weeks of instructional time with a student, a personal education plan for academic
16 improvement with focused intervention and performance benchmarks shall be developed or
17 updated for any student at risk of academic failure who is not performing at least at grade level,
18 as identified by the State end-of-grade test and other factors noted above. Focused instructional
19 supports and services, reading interventions, and accelerated activities should include
20 evidence-based practices that meet the needs of students and may include coaching, mentoring,
21 tutoring, summer school, Saturday school, and extended days. Local school administrative units
22 shall provide these activities free of charge to students. Local school administrative units shall
23 also provide transportation free of charge to all students for whom transportation is necessary
24 for participation in these activities.~~

25 ~~Local school administrative units shall give notice of the personal education plan and a
26 copy of the personal education plan to the student's parent or guardian. Parents should be
27 included in the implementation and ongoing review of personal education plans. If a student's
28 school report card provides all the information required in a personal education plan, then no
29 further personal education plan is mandated for the student.~~

30 ~~Local school administrative units shall certify that they have complied with this section
31 annually to the State Board of Education. The State Board of Education shall periodically
32 review data on the progress of identified students and report to the Joint Legislative Education
33 Oversight Committee.~~

34 ~~No cause of action for monetary damages shall arise from the failure to provide or
35 implement a personal education plan under this section.~~

36 (b) ~~Local boards of education shall adopt and implement plans for the creation of
37 transition teams and transition plans for students at risk, as defined by the State Board of
38 Education, to assist them in making a successful transition between the elementary school and
39 middle school years and between the middle school and high school years."~~

40 **SECTION 26.** G.S. 115C-105.46 is repealed.

41 **SECTION 27.** G.S. 115C-105.47A reads as rewritten:

42 **"§ 115C-105.47A. Proposals Plans to establish alternative learning programs or
43 alternative schools.**

44 (a) Before establishing any alternative learning program or alternative school, the local
45 board of education school administrative unit shall develop a proposal plan to implement the
46 program or school that includes all of the following:

- 47 (1) The educational and behavioral goals for students assigned to the program or
48 school.
- 49 (2) The policies and procedures for the operation of the program or school-based
50 ~~on the State Board's standards adopted under G.S. 115C-12(24).~~ school. The

- 1 policies and procedures shall address the assignment of students to the
2 program or school.
- 3 (3) Identified strategies that will be used to improve student achievement and
4 behavior.
- 5 (4) Documentation that similar programs and schools in or out of the State, or
6 both, have demonstrated success in improving the academic achievement
7 and behavior of students assigned to them.
- 8 (5) The estimated actual cost of operating the program or school. To the extent
9 practicable, this shall include the cost of:
- 10 a. Staffing the program or school with teachers who have at least four
11 years' teaching experience and who have received an overall rating of
12 at least above standard on a formal evaluation and are certified in the
13 areas and grade levels being taught;
- 14 b. Providing optimum learning environments, resources and materials,
15 and high quality, ongoing professional development that will ensure
16 students who are placed in the program or school are provided
17 enhanced educational opportunities in order to achieve their full
18 potential;
- 19 c. Providing support personnel, including school counselors,
20 psychiatrists, clinical psychologists, social workers, nurses, and other
21 professionals to help students and their families work out complex
22 issues and problems;
- 23 d. Maintaining safe and orderly learning environments; and
- 24 e. Providing transitional supports for students exiting the program or
25 school and reentering the referring school.
- 26 (6) Documented support of school personnel and the community for the
27 implementation of the program or school.

28 (b) ~~After the local board completes the proposal under subsection (a) of this section, the~~
29 ~~board shall submit the proposal to the State Board of Education for its review. The State Board~~
30 ~~shall review the proposal expeditiously and, if appropriate, may offer recommendations to~~
31 ~~modify the proposal. The local board shall consider any recommendations made by the State~~
32 ~~Board before implementing the alternative learning program or alternative school. The local~~
33 ~~school administrative unit shall include the plan in the curriculum component of its curriculum~~
34 ~~implementation plan."~~

35 **SECTION 28.** G.S. 115C-105.48(a) reads as rewritten:

36 "(a) Prior to referring a student to an alternative school or an alternative learning
37 program, the referring school shall:

- 38 (1) Document the procedures that were used to identify the student as being at
39 risk of academic failure or as being disruptive or disorderly.
- 40 (2) Provide the reasons for referring the student to an alternative school or an
41 alternative learning program.
- 42 (3) Provide to the alternative school or alternative learning program all relevant
43 student records, including anecdotal information.
- 44 (4) Review the reasons for referring the student to an alternative school or an
45 alternative learning program and all relevant student records, including
46 anecdotal information, with the parents of the student."

47 **SECTION 29.** G.S. 115C-152 reads as rewritten:

48 "**§ 115C-152. Definitions.**

49 The State Board of Education shall provide appropriate definitions to vocational and
50 technical education programs, services, and activities in grades 6-12 not otherwise included in
51 this Part. Local boards of education may provide appropriate definitions to other vocational and

1 technical education programs, services, and activities in grades 6-12 not otherwise included in
2 this Part and may implement them to the extent they are consistent with federal law and the
3 terms of federal grants. As used in this Part, unless the context requires otherwise:

- 4 (1) "Career development; introductory" means an instructional program, service,
5 or activity designed to familiarize individuals with the broad range of
6 occupations for which special skills are required and the requisites for
7 careers in such occupations.
- 8 (2) "Comprehensive vocational and technical education" means instructional
9 programs, services, or activities directly related to preparation for and
10 placement in employment, for advanced technical preparation, or for the
11 making of informed and meaningful educational and occupational choices.
- 12 (3) "Occupational skill development" means a program, service, or activity
13 designed to prepare individuals for paid or unpaid employment as
14 semiskilled or skilled workers, technicians, or professional-support
15 personnel in recognized occupations and in new and emerging occupations
16 including occupations or a trade, technical, business, health, office,
17 homemaking, homemaking-related, agricultural, marketing, and other
18 nature. Instruction is designed to fit individuals for initial employment in a
19 specific occupation or a cluster of closely related occupations in an
20 occupational field. This instruction includes education in technology,
21 manipulative skills, theory, auxiliary information, application of academic
22 skills, and other associated knowledges.
- 23 (4) "Preparation for advanced education" means a program, service, or activity
24 designed to prepare individuals for participation in advanced or highly
25 skilled post-secondary and technical education programs leading to
26 employment in specific occupations or a cluster of closely related
27 occupations and for participation in vocational and technical education
28 teacher education programs."

29 **SECTION 30.** G.S. 115C-174.11 reads as rewritten:

30 **"§ 115C-174.11. Components of the testing program.**

31 ~~(a) Assessment Instruments for Kindergarten, First, Second, and Third Grades.—The~~
32 ~~State Board of Education shall develop, adopt, and provide to the local school administrative~~
33 ~~units developmentally appropriate individualized assessment instruments consistent with the~~
34 ~~Basic Education Program and Part 1A of Article 8 of this Chapter for the kindergarten, first,~~
35 ~~second, and third grades. Local school administrative units shall use these assessment~~
36 ~~instruments provided to them by the State Board for kindergarten, first, second, and third grade~~
37 ~~students to assess progress, diagnose difficulties, and inform instruction and remediation needs.~~
38 ~~Local school administrative units shall not use standardized tests for summative assessment of~~
39 ~~kindergarten, first, and second grade students except as required as a condition of receiving~~
40 ~~federal grants.~~

41 (b) Repealed by Session Laws 2009-451, s. 7.20(c), effective July 1, 2009.

42 (c) Annual Testing Program. —

- 43 (1) ~~The State Board of Education shall adopt tests for grades three through 12~~
44 ~~that are required by federal law or as a condition of a federal grant. These~~
45 ~~tests shall be shall require local boards of education to administer the~~
46 following tests:

- 47 a. Nationally accepted tests for all students in grades three and five that
48 are designed to measure progress toward reading, communication
49 skills, and mathematics for grades three through eight, and toward
50 competencies for grades nine through 12. mathematics.

- 1 b. The Pre-ACT test in grades eight through 11. Students who do not
2 pass the tests adopted for Pre-ACT in eighth grade shall be provided
3 remedial instruction in the ninth grade.
4 c. The ACT test in grades nine through 12.
5 d. Other tests required by federal law.
6 (2) ~~If the State Board of Education finds that additional testing in grades three~~
7 ~~through 12 is desirable to allow comparisons with national indicators of~~
8 ~~student achievement, that testing shall be conducted with the smallest size~~
9 ~~sample of students necessary to assure valid comparisons with other states.~~
10 (3) ~~The State Board of Education shall continue to participate in the~~
11 ~~development of the Common Core State Standards in conjunction with the~~
12 ~~consortium of other states, review all national assessments developed by~~
13 ~~both multistate consortia, and implement the assessments that the State~~
14 ~~Board deems most appropriate to assess student achievement on the~~
15 ~~Common Core State Standards.~~
16 (4) ~~To the extent funds are made available, the State Board shall plan for and~~
17 ~~require the administration of the ACT test for all students in the eleventh~~
18 ~~grade unless the student has already taken a comparable test and scored at or~~
19 ~~above a level set by the State Board.~~
20 (d) Except as provided in subsection (c) of this section, the State Board of Education
21 shall not require the public schools to administer any standardized tests except for those
22 required by federal law or as a condition of a federal grant.law.

23 The State Board of Education shall adopt and provide to local school administrative units
24 all tests required by federal law or as a condition of a federal grant.law."

25 **SECTION 31.** G.S. 115C-174.12 reads as rewritten:

26 **"§ 115C-174.12. Responsibilities of agencies.**

27 (a) The State Board of Education shall establish policies and guidelines necessary for
28 minimizing the time students spend taking tests administered through State and local testing
29 programs, for minimizing the frequency of field testing at any one school, and for otherwise
30 carrying out the provisions of this Article. ~~These policies and guidelines shall include the~~
31 ~~following:~~

- 32 (1) ~~Schools shall devote no more than two days of instructional time per year to~~
33 ~~the taking of practice tests that do not have the primary purpose of assessing~~
34 ~~current student learning;~~
35 (2) ~~Students in a school shall not be subject to field tests or national tests during~~
36 ~~the two week period preceding the administration of end-of-grade tests,~~
37 ~~end-of-course tests, or the school's regularly scheduled final exams; and~~
38 (3) ~~No school shall participate in more than two field tests at any one grade level~~
39 ~~during a school year unless that school volunteers, through a vote of its~~
40 ~~school improvement team, to participate in an expanded number of field~~
41 ~~tests.~~

42 ~~These policies shall reflect standard testing practices to insure reliability and validity of the~~
43 ~~sample testing. The results of the field tests shall be used in the final design of each test. The~~
44 ~~State Board of Education's policies regarding the testing of children with disabilities shall (i)~~
45 ~~provide broad accommodations and alternate methods of assessment that are consistent with a~~
46 ~~child's individualized education program and section 504 (29 U.S.C. § 794) plans, (ii) prohibit~~
47 ~~the use of statewide tests as the sole determinant of decisions about a child's graduation or~~
48 ~~promotion, and (iii) provide parents with information about the Statewide Testing Program and~~
49 ~~options for students with disabilities. The State Board shall report its proposed policies and~~
50 ~~proposed changes in policies to the Joint Legislative Education Oversight Committee prior to~~
51 ~~adoption.~~

1 ~~The State Board of Education may appoint an Advisory Council on Testing to assist in~~
2 ~~carrying out its responsibilities under this Article.~~

3 (b) ~~The Superintendent of Public Instruction shall be responsible, under policies~~
4 ~~adopted by the State Board of Education, responsible~~ for the statewide administration of the
5 testing program provided by this Article.

6 ~~(b1) The Superintendent shall notify local boards of education by October 1 of each year~~
7 ~~of any field tests that will be administered in their schools during the school year, the schools at~~
8 ~~which the field tests will be administered, and the specific field tests that will be administered~~
9 ~~at each school.~~

10 ~~...."~~

11 **SECTION 32.** G.S. 115C-174.18 is repealed.

12 **SECTION 33.** G.S. 115C-203 through G.S. 115C-209 are repealed.

13 **SECTION 34.** Article 13A of Chapter 115C of the General Statutes is repealed.

14 **SECTION 35.** G.S. 115C-231 is repealed.

15 **SECTION 36.** G.S. 115C-233 reads as rewritten:

16 **"§ 115C-233. Operation of summer schools.**

17 Each local school administrative unit may establish and maintain summer schools. Such
18 summer schools as may be established shall be administered by local boards of ~~education and~~
19 ~~shall be conducted in accordance with standards developed by the State Board of Education.~~
20 education. The standards so developed shall specify the requirements for approved curriculum,
21 the qualifications of the personnel, the length of the session, and the conditions under which
22 students may be granted credit for courses pursued during a summer school. In determining the
23 eligibility of students for admission to summer schools, boards of education shall be governed
24 by Article 9 of this Chapter, and G.S. 115C-366(b) and 115C-367 to 115C-370. Boards of
25 education of local school administrative units may provide for summer schools from State
26 ~~funds made available for that purpose by the State Board of Education, purpose, funds~~
27 ~~appropriated to the local school administrative unit by the tax-levying authority, and from any~~
28 ~~other revenues available for the purpose."~~

29 **SECTION 37.** G.S. 115C-238.31(a) reads as rewritten:

30 "(a) Local school administrative units are encouraged to implement extended services
31 programs that will expand students' opportunities for educational success through high-quality,
32 integrated access to instructional programming during nonschool hours. Extended services
33 programs may be incorporated into the curriculum component of school improvement plans
34 ~~developed in accordance with G.S. 115C-105.27. curriculum implementation plans developed~~
35 in accordance with G.S. 115C-26.2. Calendar alternatives include, but are not limited to,
36 after-school hours, before-school hours, evening school, Saturday school, summer school, and
37 year-round school. Instructional programming may include, but is not limited to, tutoring,
38 direct instruction, enrichment activities, study skills, and reinforcement projects."

39 **SECTION 38.** G.S. 115C-238.33 is repealed.

40 **SECTION 39.** G.S. 115C-238.50 reads as rewritten:

41 **"§ 115C-238.50. Purpose.**

42 (a) The purpose of this Part is to authorize local boards of education to jointly establish
43 with one or more boards of trustees cooperative innovative programs in high schools and
44 colleges or universities that will expand students' opportunities for educational success through
45 high quality instructional programming. ~~These cooperative innovative high school programs~~
46 ~~shall target any of the following groups:~~

47 (1) ~~High school students who are at risk of dropping out of school before~~
48 ~~attaining a high school diploma.~~

49 (1a) ~~High school students with parents who did not continue education beyond~~
50 ~~high school.~~

1 (2) ~~High school students who would benefit from accelerated academic~~
2 ~~instruction.~~

3 (b) All the cooperative innovative high school programs established under this Part
4 ~~shall~~ shall be included in the local school administrative units' curriculum implementation
5 plans. The plans shall:

6 (1) Enable students to concurrently obtain a high school diploma and begin or
7 complete an associate degree program, master a certificate or vocational
8 program, or earn up to two years of college ~~credit within five years.~~credit.

9 ...

10 (f) Students are eligible to attend these programs as early as ninth grade."

11 **SECTION 40.** G.S. 115C-238.50A reads as rewritten:

12 "**§ 115C-238.50A. Definitions.**

13 The following definitions apply in this Part:

14 ...

15 (1a) Cooperative innovative high school. – A high school approved by the ~~State~~
16 ~~Board of Education~~ local board of education and the applicable governing
17 Board that meets the following criteria:

18 a. ~~It has no more than 100 students per grade level.~~

19 b. It partners with an institution of higher education to enable students
20 to concurrently obtain a high school diploma and begin or complete
21 an associate degree program, master a certificate or vocational
22 program, or earn up to two years of college ~~credit within five~~
23 ~~years.~~credit.

24 c. It is located on the campus of the partner institution of higher
25 education, unless the governing Board or the local board of trustees
26 for a private North Carolina college specifically waives the
27 requirement through adoption of a formal resolution.

28 (1b) Cooperative innovative high school allotment. – Funds appropriated by the
29 General Assembly ~~to the Department of Public Instruction~~ to provide
30 additional resources to approved cooperative innovative high schools.

31 "

32 **SECTION 41.** G.S. 115C-238.51 and G.S. 115C-238.51A are repealed.

33 **SECTION 42.** G.S. 115C-238.52(b) is repealed.

34 **SECTION 43.** G.S. 115C-238.53 reads as rewritten:

35 "**§ 115C-238.53. Operation of cooperative innovative high schools.**

36 (a) A cooperative innovative high school ~~approved by the State~~ is accountable to the
37 local board of education.

38 (b) A cooperative innovative high school ~~approved under this Part~~ shall operate under
39 the terms of a written agreement signed by the local board of education, local board of trustees,
40 ~~State Board of Education,~~ and applicable governing Board. ~~The agreement shall incorporate the~~
41 ~~information provided in the application, as modified during the approval process, and any terms~~
42 ~~and conditions imposed on the school by the State Board of Education and the applicable~~
43 ~~governing Board.~~ The agreement may be for a term of no longer than five school years.

44 ...

45 (f) Except as provided in this Part and under the terms of the agreement, cooperative
46 innovative high ~~schools~~ schools

47 (1) ~~Shall~~ shall have the same exemptions from statutes and rules as charter
48 schools operating under Part 6A of this Article, other than those pertaining
49 to personnel.

50 (2) ~~May be exempted by the State Board of Education or by the applicable~~
51 ~~governing Board from laws and rules applicable to a local board of~~

1 education, a local school administrative unit, a community college, a
2 constituent institution, or a local board of trustees."

3 **SECTION 44.** G.S. 115C-238.54 reads as rewritten:

4 **"§ 115C-238.54. Funds for cooperative innovative high schools.**

5 ...

6 (e) The local board of education and the local board of trustees are strongly encouraged
7 to seek funds from sources other than State, federal, and local appropriations. ~~They are strongly~~
8 ~~encouraged to seek funds the Education Cabinet identifies or obtains under G.S. 116C-4.~~

9 ...

10 (g) Students in cooperative innovative high schools that have a community college as
11 their partner institution of higher education and were approved ~~under G.S. 115C-238.51A(c) by~~
12 a local board of education shall be included in calculations of budget full-time equivalent
13 students for the North Carolina Community College System. ~~Students in cooperative innovative~~
14 ~~high schools that have a community college as their partner institution of higher education and~~
15 ~~were approved under G.S. 115C-238.51A(b) shall not be included in calculations of budget~~
16 ~~full-time equivalent students for the North Carolina Community College System.~~ System only
17 to the extent that the General Assembly appropriates funds for this purpose.

18 ...

19 (i) The State Board of Education shall reimburse private North Carolina colleges for
20 tuition for courses taken by students at cooperative innovative high schools that have a private
21 North Carolina college as their partner institution of higher education and were approved under
22 G.S. 115C-238.51A(c). Tuition payments (i) shall not exceed the ~~highest undergraduate~~
23 ~~resident rate approved by the Board of Governors for The University of North Carolina~~
24 ~~constituent institutions and shall not include fees. The State Board of Education shall not~~
25 ~~reimburse private North Carolina colleges for tuition for courses taken by students at~~
26 ~~cooperative innovative high schools that have a private North Carolina college as their partner~~
27 ~~institution of higher education and were approved under G.S. 115C-238.51A(b).~~ average per
28 pupil amount appropriated by the General Assembly under The University of North Carolina
29 Need-Based Financial Aid Program and (ii) shall be made only to the extent that the General
30 Assembly appropriates funds for this purpose."

31 **SECTION 45.** G.S. 115C-238.55 reads as rewritten:

32 **"§ 115C-238.55. Evaluation of cooperative innovative high schools.**

33 ~~The State Board of Education and the governing Boards shall evaluate the success of~~
34 ~~students in cooperative innovative high schools approved under this Part. Success shall be~~
35 ~~measured by tests administered in accordance with G.S. 115C-174.11, high school retention~~
36 ~~rates, high school completion rates, high school dropout rates, certification and associate degree~~
37 ~~completion, admission to four-year institutions, postgraduation employment in career or~~
38 ~~study-related fields, and employer satisfaction of employees who participated in and graduated~~
39 ~~from the schools. The Boards shall jointly report by January 15 of each year to the Joint~~
40 ~~Legislative Education Oversight Committee~~ all entities providing funds to the schools on the
41 evaluation of these schools."

42 **SECTION 46.** G.S. 115C-238.61 reads as rewritten:

43 **"§ 115C-238.61. Definitions.**

44 The following definitions apply in this Part:

- 45 (1) ~~First generation student. — A student who has no parent who has completed a~~
46 ~~two- or four-year degree.~~
- 47 (2) Participating units. — A local school administrative unit whose local board of
48 education has adopted a resolution to create a regional school ~~that has been~~
49 ~~approved by the State Board of Education.~~ school.
- 50 (3) Principal. — The principal of a regional school.

1 (4) Regional school. – A school created pursuant to G.S. 115C-238.62 which
2 includes all of grades nine through twelve and may include grades ~~seven and~~
3 six through eight.

4 (5) Regional school board of directors or board of directors. – The governing
5 board of a regional school appointed pursuant to G.S. 115C-238.63."

6 **SECTION 47.** G.S. 115C-238.62(c) reads as rewritten:

7 "(c) Expansion of Regional School. – A local board of education may adopt a resolution
8 stating its intent to join an existing regional school, which shall include the name of the
9 regional school and the names of all other local boards of education which have previously
10 adopted resolutions to create the regional school. The local board of education shall file a copy
11 of the resolution with the State Board of Education. Following receipt of the ~~petition request~~
12 and after receiving comment from with the approval of the regional school board of directors,
13 the State Board of Education may approve the expansion of the local board may join the
14 existing regional school."

15 **SECTION 48.** G.S. 115C-238.63(a)(4) reads as rewritten:

16 "(4) ~~Parent Advisory Council of a child attending the school. – The Parent~~
17 ~~Advisory Council established by G.S. 115C-238.69 other members of the~~
18 board shall appoint a member to the board of directors from among the
19 Council membership parents of children attending the school. The member
20 appointed by the Council That member shall serve a term of four years or
21 until the child of the parent no longer attends the regional school school,
22 whichever is sooner."

23 **SECTION 49.** G.S. 115C-238.66(1)a. reads as rewritten:

24 "a. The board of directors shall establish the standard course of study for
25 the regional school. This course of study shall set forth the subjects
26 to be taught in each grade and the texts and other educational
27 materials on each subject to be used in each grade. The board of
28 directors shall design its programs to meet at least the ~~student~~
29 performanee basic standards adopted by the State Board of Education
30 and the student performance standards contained in this Chapter."

31 **SECTION 50.** G.S. 115C-238.68(2) reads as rewritten:

32 "(2) Teachers. – The board of directors shall employ and contract with necessary
33 teachers to perform the particular service for which they are employed in the
34 school. At least fifty percent (50%) of teachers employed by the board of
35 directors shall hold teacher ~~certificates, unless waived by the State Board of~~
36 Education upon submission of a request by the board of
37 directors certificates."

38 **SECTION 51.** G.S. 115C-238.69 is repealed.

39 **SECTION 52.** G.S. 115C-264.2 reads as rewritten:

40 **"§ 115C-264.2. Vending machine sales.**

41 (a) Each school may, with the approval of the local board of education, sell to students
42 beverages in vending machines during the school day so long ~~as~~ as

43 (1) ~~Soft soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at~~
44 ~~elementary schools, or (iii) contrary to the requirements of the National~~
45 ~~School Lunch Program; Program.~~

46 (2) ~~Sugared carbonated soft drinks, including mid-calorie carbonated soft~~
47 ~~drinks, are not offered for sale in middle schools;~~

48 (3) ~~Not more than fifty percent (50%) of the offerings for sale to students in~~
49 ~~high schools are sugared carbonated soft drinks;~~

50 (4) ~~Diet carbonated soft drinks are not considered in the same category as~~
51 ~~sugared carbonated soft drinks; and~~

1 ~~(5) Bottled water products are available in every school that has beverage~~
2 ~~vending.~~
3 ~~(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter~~
4 ~~policies with respect to beverage vending.~~
5 ~~(c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient~~
6 ~~Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack~~
7 ~~vending is available to students, and in middle and high schools, seventy-five percent (75%) of~~
8 ~~snack vending products have not more than 200 calories per portion or snack vending~~
9 ~~package."~~

10 **SECTION 53.** G.S. 115C-271 reads as rewritten:

11 "**§ 115C-271. Selection by local board of education, term of office.**

12 (a) It is the policy of the State that each local board of education has the sole discretion
13 to elect a superintendent of schools. ~~However, the State Board shall adopt rules that establish~~
14 ~~the qualifications for election. At a minimum, each superintendent shall have been a principal~~
15 ~~in a North Carolina public school or candidate for superintendent shall have other leadership,~~
16 ~~management, and administrative experience. In addition, the State Board shall adopt rules that~~
17 ~~include minimum credentials, educational prerequisites, and relevant experience requirements~~
18 ~~that would qualify a person to serve as a superintendent without having direct experience or~~
19 ~~certification as an educator. It is the duty of each local board to elect a superintendent who is~~
20 ~~qualified. If a local board elects a superintendent who is not qualified or who cannot qualify~~
21 ~~under this section, then the election and contract are null and void, and the board shall elect a~~
22 ~~person who is qualified.~~

23 ...

24 (d) A local board may terminate the superintendent's contract before the contract term
25 of employment has ~~expired so long as all the following conditions are met:~~expired.

26 ~~(1) No State funds are used for this purpose.~~

27 ~~(2) Local funds appropriated for teachers, textbooks, or classroom materials,~~
28 ~~supplies, and equipment are not transferred or used for this purpose.~~

29 ~~(3) The local board makes public the funds that are to be transferred or used for~~
30 ~~this purpose.~~

31 ~~(4) The local board notifies the State Board of the funds that are to be~~
32 ~~transferred or used for this purpose.~~

33 ~~(5) No funds acquired through donation or fund raising are used for this~~
34 ~~purpose, except for funds raised specifically for this purpose or for funds~~
35 ~~donated by private for profit corporations.~~

36 Immediately upon receipt of the notification from a local board under this subsection, the
37 State Board shall review the accounts of that local school administrative unit. If the State Board
38 finds that the local board failed to meet all the conditions set out in this subsection, the State
39 Board shall issue a warning to the local board as provided in G.S. 115C-451 and, in addition to
40 any other actions the State Board may take under G.S. 115C-451, shall order the local board to
41 take action to comply with this subsection."

42 **SECTION 54.** G.S. 115C-276 reads as rewritten:

43 "**§ 115C-276. Duties of superintendent.**

44 ...

45 ~~(j) To Assist the Local Board in Electing~~Elect School Personnel. – It shall be the duty
46 of the superintendent to ~~recommend and the board of education to~~ elect all principals, teachers,
47 and other school personnel in the administrative unit.

48 (j1) To Employ Assistant Superintendents and Supervisors. – The superintendent shall
49 have the authority to employ assistant superintendents and supervisors pursuant to the
50 provisions of G.S. 115C-278 and G.S. 115C-284(g).

1 (j2) To Make Rules Concerning the Conduct and Duties of Personnel. – The
2 superintendent shall have full power to make all just and needful rules and regulations
3 governing the conduct of teachers, principals, and supervisors, the kind of reports they shall
4 make, and their duties in the care of school property.

5 (j3) To Adopt Rules and Policies Limiting the Noninstructional Duties of Teachers. –
6 The superintendent shall adopt rules and policies limiting the noninstructional duties assigned
7 to teachers. A superintendent may temporarily suspend the policies for individual schools upon
8 a finding that there is a compelling reason the policies should not be implemented. These
9 policies shall ensure that:

10 (1) Teachers with initial certification are not assigned extracurricular activities
11 unless they request the assignments in writing and that other noninstructional
12 duties assigned to these teachers are minimized thus allowing these teachers
13 an opportunity to develop into skilled professionals;

14 (2) Teachers with 27 or more years of experience are not assigned
15 extracurricular activities unless they request the assignments in writing and
16 that other noninstructional duties assigned to these teachers are minimized
17 thus allowing these teachers an opportunity to informally share their
18 experience and expertise with their colleagues;

19 (3) The noninstructional duties of all teachers are limited to the extent possible
20 given federal, State, and local laws, rules, and policies and that the
21 noninstructional duties required of teachers are distributed equitably among
22 employees.

23 (j4) To Approve the Assignment of Duties to an Assistant Principal. – The
24 superintendent shall permit certain duties of the principal to be assigned to an assistant or
25 acting principal pursuant to the provisions of G.S. 115C-289.

26 (j5) To Provide for Training of Teachers. – The superintendent is authorized to provide
27 for the training of teachers as provided in G.S. 115C-300.

28 (j6) To Determine the Hours of Employment for Teacher Assistants. – The
29 superintendent shall determine the hours of employment for teacher assistants.

30 ...

31 ~~(q) To Assign School Principals. – Subject to local board policy, the~~ The superintendent
32 shall have the authority to assign principals to school buildings. ~~When making an assignment,~~
33 ~~the superintendent shall consider (i) whether a principal has demonstrated the leadership ability~~
34 ~~to increase student achievement at a school where conditions indicated a significant risk of low~~
35 ~~student performance; and (ii) how to maintain stability at a school where, during the time the~~
36 ~~principal has been at a school, there has been significant improvement on end-of-course or~~
37 ~~end-of-grade tests and other accountability measures developed by the State Board of~~
38 ~~Education.~~

39 ...

40 (s) To Provide for Annual Evaluations and Mandatory Improvement Plans. – The
41 superintendent shall provide for the development and implementation of annual evaluation
42 evaluations of all licensed employees assigned to low performing schools that did not receive
43 an assistance team. employees. The superintendent shall determine whether all principals and
44 assistant principals who evaluate licensed employees are trained in the proper administration of
45 the employee evaluations and the development of appropriate mandatory improvement plans.
46 The superintendent also shall arrange for principals and assistant principals who evaluate
47 licensed employees to receive the appropriate training.

48 ...

49 (u) To Encourage High Schools to Designate a Career Development Coordinator. – The
50 superintendent shall encourage high schools to designate the Career Development Coordinator
51 or other designee of the local Career and Technical Education administrator to be the point

1 person for local businesses to contact. If the person selected is a teacher, the teacher shall work
2 with the principal and the local Career and Technical Education administrator to find time in
3 the school day to contact businesses and develop opportunities for students. The high school
4 shall include a variety of trades and skilled labor positions for students to interact with and
5 shadow and shall encourage students who may be interested in a job shadowing opportunity to
6 pursue and set up the job shadow.

7 The superintendent shall develop a policy with provisions for students who are absent from
8 school while doing a job shadow to make up the work. Students shall not be counted as absent
9 when participating in these work-based learning opportunities or in Career and Technical
10 Education student organization activities. Local boards may determine maximum numbers of
11 days to be used for job shadowing activities.

12 (v) To Adopt Policies Regarding the Use of Unlicensed Health Care Personnel to
13 Perform the Technical Aspects of Medication Administration to Students. – The superintendent
14 may adopt policies permitting schools to use unlicensed health care personnel to perform the
15 technical aspects of medication administration to students. If the superintendent adopts such
16 policies, the policies and procedures shall be consistent with the requirements of Article 9A of
17 Chapter 90 of the General Statutes and shall include the following:

18 (1) Training and competency evaluation of medication aides as provided for
19 under G.S. 131E-270.

20 (2) Requirements for listing under the Medication Aide Registry as provided for
21 under G.S. 131E-271.

22 (3) Requirements for supervision of medication aides by licensed health
23 professionals or appropriately qualified supervisory personnel consistent
24 with Articles 5, 6, 10, and 16 of Chapter 131E of the General Statutes."

25 **SECTION 55.** G.S. 115C-277 is repealed.

26 **SECTION 56.** G.S. 115C-278 reads as rewritten:

27 **"§ 115C-278. Assistant superintendent and associate superintendent.**

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

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

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

47 **SECTION 57.** G.S. 115C-284 reads as rewritten:

48 **"§ 115C-284. Method of selection and requirements.**

49 ~~(a) Principals and supervisors shall be elected by the local boards of education upon the~~
50 ~~recommendation of the superintendent, in accordance with the provisions of~~
51 ~~G.S. 115C-276(j).~~employed by the superintendent.

1 (b) In the city administrative units, principals shall be elected by the board of education
2 of such administrative unit upon the recommendation of employed by the superintendent of city
3 schools.

4 (b1) To qualify for certification as a school administrator, an individual must meet all of
5 the following requirements:

6 (1) Submit a complete application to the ~~State Board~~ local school administrative
7 unit.

8 (2) ~~Pay the applicable fee.~~

9 (3) Have a bachelor's degree from an accredited college or accredited university.

10 (4) ~~Have one of the following:~~

11 a. ~~A graduate degree from a public school administration program that~~
12 ~~meets the public school administration program approval standards~~
13 ~~established by the State Board of Education.~~

14 b. ~~A master's degree from an accredited college or accredited university~~
15 ~~and, by December 31, 1999, have completed a public school~~
16 ~~administration program that meets the public school administration~~
17 ~~program approval standards set by the State Board of Education.~~

18 e. ~~Education and training determined by the State Board of Education~~
19 ~~as equivalent.~~

20 (5) ~~Pass the exam adopted by the State Board.~~

21 ...

22 (c1) ~~It is the policy of the State of North Carolina to maintain the highest quality~~
23 ~~principal and assistant principal education programs in order to enhance the competence of~~
24 ~~professional personnel certified in North Carolina. To ensure that principal and assistant~~
25 ~~principal preparation programs are upgraded to reflect a more rigorous course of study, the~~
26 ~~State Board of Education shall submit to the General Assembly not later than March 1, 1992, a~~
27 ~~plan to promote this policy. In developing this plan, the State Board shall consider (i) requiring~~
28 ~~these programs to include additional preparation for site-based decision making and for the~~
29 ~~additional autonomy being granted to local school units, (ii) enhancing program entrance~~
30 ~~requirements to include assessment of an applicant's ability to complete the program and to~~
31 ~~perform as a principal, and (iii) enhancing the overall content of the programs.~~

32 ~~The State Board of Education, as lead agency in coordination and cooperation with the~~
33 ~~University Board of Governors and such other public and private agencies as are necessary,~~
34 ~~shall refine the several certification requirements, standards for approval of institutions of~~
35 ~~principal and assistant principal education, standards for institution based innovative and~~
36 ~~experimental programs, and standards for improved efficiencies in the administration of the~~
37 ~~approved programs.~~

38 (c2) ~~The State Board of Education shall adopt new standards by July 1, 2008, for school~~
39 ~~administrator preparation programs. The new standards shall:~~

40 (1) ~~Be aligned with the revised standards for the evaluation of school executives~~
41 ~~and specifically address the use of the results of the Teacher Working~~
42 ~~Conditions Survey;~~

43 (2) ~~Require evidence of a high level of institutional commitment, including~~
44 ~~dedicated resources, for administrator preparation program improvements~~
45 ~~and redesign;~~

46 ...

47 (7) ~~Require all candidates to complete a year long internship; and~~

48 (8) ~~Require the development of portfolios for emerging leaders that provide~~
49 ~~evidence they are applying their training to actual school needs and~~
50 ~~challenges.~~

1 ~~Institutions of higher education shall redesign their school administrator preparation~~
2 ~~programs to meet the new standards and report to the State Board of Education on the redesign~~
3 ~~by July 1, 2009.~~

4 (d) ~~Repealed by Session Laws 1989, c. 385, s. 1.~~

5 (d1) ~~It is the policy of the State of North Carolina that, subsequent to the adoption of a~~
6 ~~system of classroom teacher differentiation and prerequisites to candidacy for principal, a~~
7 ~~classroom teacher must have attained at least the second level of differentiation, have at least~~
8 ~~four years of classroom teaching experience, and possess, at least, a Masters Degree in~~
9 ~~Education Administration. This subsection shall not apply to educational personnel certified as~~
10 ~~of July 1, 1984.~~

11 (e) ~~It shall be unlawful for any board of education to employ or keep in service any~~
12 ~~principal or supervisor who neither holds nor is qualified to hold a certificate in compliance~~
13 ~~with the provision of the law or in accordance with the regulations of the State Board of~~
14 ~~Education.~~

15 (f) ~~The allotment of classified principals shall be one principal for each duly constituted~~
16 ~~school with seven or more state-allotted teachers.~~

17 (g) ~~Local boards of education~~ The superintendent shall have authority to employ
18 supervisors in addition to those that may be furnished by the State when, in the discretion of the
19 board of education, the schools of the local school administrative unit can thereby be more
20 efficiently and more economically operated and when funds for the same are provided in the
21 current expense fund budget. The duties of such supervisors shall be assigned by the
22 superintendent with the approval of the board of education. ~~superintendent.~~

23 (h) ~~All principals and supervisors employed in the public schools of the State or in~~
24 ~~schools receiving public funds, shall be required either to hold or be qualified to hold a~~
25 ~~certificate in compliance with the provision of the law or in accordance with the regulations of~~
26 ~~the State Board of Education."~~

27 **SECTION 58.** G.S. 115C-285(a)(2) reads as rewritten:

28 "(2) Supervisors and classified principals paid on an hourly or other basis
29 whether paid from State or from local funds may accumulate annual
30 vacation leave days as follows: annual leave may be accumulated without
31 any applicable maximum until June 30 of each year. On June 30 of each
32 year, any supervisor or principals with more than 30 days of accumulated
33 leave shall have the excess accumulation converted to sick leave so that only
34 30 days are carried forward to July 1 of the same year. All vacation leave
35 taken by the employee will be upon the authorization of his immediate
36 supervisor and under policies established by the local board of education. An
37 employee shall be paid in a lump sum for accumulated annual leave not to
38 exceed a maximum of 240 hours or 30 days when separated from service
39 due to resignation, dismissal, reduction in force, death, or service retirement.
40 Upon separation from service due to service retirement, any annual vacation
41 leave over 30 days will convert to sick leave and may be used for creditable
42 service at retirement in accordance with G.S. 135-4(e). If the last day of
43 terminal leave falls on the last workday in the month, payment shall be made
44 for the remaining nonworkdays in that month. Employees retiring on
45 disability retirement may exhaust annual leave rather than be paid in a lump
46 sum. The provisions of this subdivision shall be accomplished without
47 additional State and local funds being appropriated for this purpose. ~~The~~
48 ~~State Board of Education shall adopt rules and regulations for the~~
49 ~~administration of this subdivision."~~

50 **SECTION 59.** G.S. 115C-286.1 reads as rewritten:

51 "**§ 115C-286.1. Evaluations of principals.**

1 ~~Local school administrative units-Superintendents~~ shall evaluate all principals and assistant
2 principals at least once each year. Either the superintendent or the superintendent's designee
3 shall conduct the evaluations.

4 ~~The State Board of Education shall ensure that the standards and criteria for the evaluations~~
5 ~~include the accountability measures of teacher retention, teacher support, and school climate.~~
6 ~~The State Board shall revise its evaluation instruments to include these measures. A local board~~
7 ~~shall use the performance standards and criteria adopted by the State Board unless the~~ The local
8 board develops an alternative shall develop an evaluation that is properly validated and that
9 includes the local board's standards and criteria similar to those adopted by the State
10 Board criteria."

11 **SECTION 60.** G.S. 115C-287.1 reads as rewritten:

12 "**§ 115C-287.1. Method of employment of principals, assistant principals, supervisors,**
13 **and directors.**

- 14 (a) (1) Beginning July 1, 1995, all persons employed as school administrators shall
15 be employed pursuant to this section.
16 (2) Notwithstanding G.S. 115C-287.1(a)(1), the following school administrators
17 shall be employed pursuant to G.S. 115C-325:
18 a. School administrators who, as of July 1, 1995, are serving in a
19 principal or supervisor position with career status in that position;
20 and
21 b. School administrators who, as of July 1, 1995, are serving in a
22 principal or supervisor position and who are eligible to achieve
23 career status on or before June 30, 1997.

24 A school administrator shall cease to be employed pursuant to
25 G.S. 115C-325 if the school administrator: (i) voluntarily relinquishes career
26 status or the opportunity to achieve career status through promotion,
27 resignation, or otherwise; or (ii) is dismissed or demoted or whose contract
28 is not renewed pursuant to G.S. 115C-325.

- 29 (3) For purposes of this section, school administrator means a:
30 a. Principal;
31 b. Assistant principal;
32 c. Supervisor; or
33 d. Director,

34 whose major function includes the direct or indirect supervision of teaching
35 or of any other part of the instructional program.

- 36 (4) Nothing in this section shall be construed to confer career status on any
37 assistant principal or director, or to make an assistant principal eligible for
38 career status as an assistant principal or a director eligible for career status as
39 a director.

40 (b) ~~Local boards of education-Superintendents~~ shall employ school administrators who
41 are ineligible for career status as provided in ~~G.S. 115C-325(c)(3), upon the recommendation of~~
42 ~~the superintendent.~~ G.S. 115C-325(c)(3). The initial contract between a school administrator
43 and a local board of education shall be for two to four years, ending on June 30 of the final 12
44 months of the contract. In the case of a subsequent contract between a principal or assistant
45 principal and a ~~local board of education,~~ local school administrative unit, the contract shall be
46 for a term of four years. In the case of an initial contract between a school administrator and a
47 local board of education, the first year of the contract may be for a period of less than 12
48 months provided the contract becomes effective on or before September 1. A ~~local board of~~
49 ~~education-local school administrative unit~~ may, with the written consent of the school
50 administrator, extend, renew, or offer a new school administrator's contract at any time after the
51 first 12 months of the contract so long as the term of the new, renewed, or extended contract

1 does not exceed four years. Rolling annual contract renewals are not allowed. Nothing in this
2 section shall be construed to prohibit the filling of an administrative position on an interim or
3 temporary basis.

4 (c) The term of employment shall be stated in a written contract that shall be entered
5 into between the local board of education and the school administrator. The school
6 administrator shall not be dismissed or demoted during the term of the contract except for the
7 grounds and by the procedure by which a career teacher may be dismissed or demoted as set
8 forth in G.S. 115C-325.

9 ~~If a superintendent intends to recommend to the local board of education that the~~
10 ~~school administrator be offered a new, renewed, or extended contract, the superintendent shall~~
11 ~~submit the recommendation to the local board for action. The local board may approve the~~
12 ~~superintendent's recommendation or decide not to offer the school administrator a new,~~
13 ~~renewed, or extended school administrator's contract.~~

14 If a superintendent decides not to recommend that the local board of education offer a new,
15 renewed, or extended school administrator's contract to ~~the~~ a school administrator, the
16 superintendent shall give the school administrator written notice of his or her decision and the
17 reasons for his or her decision no later than May 1 of the final year of the contract. The
18 superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or political.
19 No action by the ~~local board superintendent~~ or further notice to the school administrator shall
20 be necessary unless the school administrator files with the superintendent a written request,
21 within 10 days of receipt of the superintendent's decision, for a hearing before the local board.
22 Failure to file a timely request for a hearing shall result in a waiver of the right to appeal the
23 superintendent's decision. If a school administrator files a timely request for a hearing, the local
24 board shall conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final
25 decision on whether to offer the school administrator a new, renewed, or extended school
26 administrator's contract.

27 ~~If~~ If, after the hearing, the local board decides not to offer the school administrator a new,
28 renewed, or extended school administrator's contract, the local board shall notify the school
29 administrator of its decision by June 1 of the final year of the contract. A decision not to offer
30 the school administrator a new, renewed, or extended contract may be for any cause that is not
31 arbitrary, capricious, discriminatory, personal, or political. The local board's decision not to
32 offer the school administrator a new, renewed, or extended school administrator's contract is
33 subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.

34 (e) Repealed by Session Laws 1995, c. 369, s. 1.

35 (f) If the superintendent or the local board of education fails to notify a school
36 administrator by June 1 of the final year of the contract that the school administrator will not be
37 offered a new school administrator's contract, the school administrator shall be entitled to 30
38 days of additional employment or severance pay beyond the date the school administrator
39 receives written notice that a new contract will not be offered.

40 (g) If, prior to appointment as a school administrator, the school administrator held
41 career status as a teacher in the local school administrative unit in which he or she is employed
42 as a school administrator, a school administrator shall retain career status as a teacher if the
43 school administrator is not offered a new, renewed, or extended contract by the local board of
44 education, unless the school administrator voluntarily relinquished that right or is dismissed or
45 demoted pursuant to G.S. 115C-325.

46 (h) An individual who holds a provisional assistant principal's certificate and who is
47 employed as an assistant principal under G.S. 115C-284(c) shall be considered a school
48 administrator for purposes of this section. Notwithstanding subsection (b) of this section, a
49 ~~local board~~ local school administrative unit may enter into one-year contracts with a school
50 administrator who holds a provisional assistant principal's certificate. If the school
51 administrator held career status as a teacher in the local school administrative unit prior to

1 being employed as an assistant principal and the State Board for any reason does not extend the
2 school administrator's provisional assistant principal's certificate, the school administrator shall
3 retain career status as a teacher unless the school administrator voluntarily relinquished that
4 right or is dismissed or demoted under G.S. 115C-325. Nothing in this subsection or
5 G.S. 115C-284(c) shall be construed to require a ~~local board~~ local school administrative unit to
6 extend or renew the contract of a school administrator who holds a provisional assistant
7 principal's certificate."

8 **SECTION 61.** G.S. 115C-288 reads as rewritten:

9 **"§ 115C-288. Powers and duties of principal.**

10 ...

11 ~~(e) To Improve Instruction and Community Spirit. — The principal shall give~~
12 ~~suggestions to teachers for the improvement of instruction.~~

13 ...

14 (h) ~~To Make Available School Budgets and School Improvement Plans. Budgets. — The~~
15 ~~principal shall maintain a copy of the school's current budget and school improvement plan,~~
16 ~~including any amendments to the plan,~~ and shall allow parents of children in the school and
17 other interested persons to review and obtain such documents in accordance with Chapter 132
18 of the General Statutes.

19 ...

20 ~~(i) To Establish School Improvement Teams. — Each school year, the principal shall~~
21 ~~ensure that a school improvement team is established under G.S. 115C-105.27 for the purpose~~
22 ~~of developing, reviewing, and revising a school improvement plan.~~

23"

24 **SECTION 62.** G.S. 115C-289(a) reads as rewritten:

25 "(a) Any duty or responsibility assigned to a principal by statute, State Board of
26 Education regulation, or by the superintendent ~~may, with the approval of the local board of~~
27 ~~education,~~ may be assigned by the principal to an assistant ~~principal designated by the local~~
28 ~~board of education principal~~ or to an acting principal designated by a principal."

29 **SECTION 63.(a)** G.S. 115C-296.2 is repealed.

30 **SECTION 63.(b)** This section is effective when it becomes law, except that
31 employees who achieve certification from the National Board for Professional Teaching
32 Standards (NBPTS) prior to October 1, 2013, shall be paid on the NBPTS salary schedule so
33 long as they maintain NBPTS certification.

34 **SECTION 64.** G.S. 115C-295.5 and G.S. 115C-295.6 are repealed.

35 **SECTION 65.** G.S. 115C-299(a) reads as rewritten:

36 "(a) ~~In the city administrative units, teachers shall be elected by the board of education~~
37 ~~of such administrative unit upon the recommendation of the superintendent of city~~
38 ~~schools. Teachers shall be elected~~ employed by the county and city boards of education upon
39 ~~the recommendation of the superintendent, in accordance with the provisions of~~
40 ~~G.S. 115C-276(j). local superintendent."~~

41 **SECTION 66.** G.S. 115C-310 is repealed.

42 **SECTION 67.** G.S. 115C-315 reads as rewritten:

43 **"§ 115C-315. Hiring of school personnel.**

44 (a) ~~Janitors and Maids. School Custodians. — In the city administrative units, janitors~~
45 ~~and maids shall be appointed by the board of education of such local school administrative unit~~
46 ~~upon the recommendation of School custodians shall be employed by the superintendent.~~

47 (b) ~~Election by Local Boards. Employment by the Superintendent. — School personnel~~
48 ~~shall be elected by the local board of education upon the recommendation of the~~
49 ~~superintendent, in accordance with the provisions of G.S. 115C-276(j). employed by the~~
50 superintendent.

1 It is the policy of the State of North Carolina to encourage and provide for the most
2 efficient and cost-effective method of meeting the needs of local school administrative units for
3 noncertified support personnel. To this end, the State Board of Education shall recommend to
4 the General Assembly by November 1, 1984, a system using factors and formulas to determine
5 the total number of noncertified support personnel allotted to local school administrative units.
6 The recommended system for allotting noncertified support personnel shall include the
7 proposed State's funding obligation for these positions and shall be developed in consultation
8 with school-based support personnel or their representatives.

9"

10 **SECTION 68.** G.S. 115C-335(a) reads as rewritten:

11 "(a) Development of Performance Standards. ~~The State Board, in consultation with~~
12 ~~local~~ Local boards of education, shall revise and develop uniform performance standards and
13 criteria to be used in evaluating certified public school employees, including school
14 administrators. These standards and criteria shall include improving student achievement,
15 employee skills, and employee knowledge. The standards and criteria for school administrators
16 also shall include building-level gains in student learning and effectiveness in providing for
17 school safety and enforcing student discipline. ~~The State Board shall develop rules regarding~~
18 ~~the use of these standards and criteria. The State Board also shall develop guidelines for~~
19 ~~evaluating superintendents.~~The guidelines shall include criteria for evaluating a
20 superintendent's effectiveness in providing safe schools and enforcing student discipline."

21 **SECTION 69.** G.S. 115C-375.4 is repealed.

22 **SECTION 70.** G.S. 115C-407.15(a) reads as rewritten:

23 "(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or
24 written, electronic, or verbal communications, or any physical act or any threatening
25 communication, that takes place on school property, at any school-sponsored function, or on a
26 school bus, and that:

- 27 (1) Places a student or school employee in actual and reasonable fear of harm to
28 his or her person or damage to his or her property; or
- 29 (2) Creates or is certain to create a hostile environment by substantially
30 interfering with or impairing a student's educational performance,
31 opportunities, or benefits. For purposes of this section, "hostile environment"
32 means that the victim subjectively views the conduct as bullying or
33 harassing behavior and the conduct is objectively severe or pervasive enough
34 that a reasonable person would agree that it is bullying or harassing
35 behavior.

36 ~~Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as~~
37 ~~being motivated by any actual or perceived differentiating characteristic, such as race, color,~~
38 ~~religion, ancestry, national origin, gender, socioeconomic status, academic status, gender~~
39 ~~identity, physical appearance, sexual orientation, or mental, physical, developmental, or~~
40 ~~sensory disability, or by association with a person who has or is perceived to have one or more~~
41 ~~of these characteristics."~~

42 **SECTION 71.** G.S. 115C-409(a) reads as rewritten:

43 "(a) ~~The Board~~ Board, with the prior approval of the General Assembly, is authorized to
44 accept, receive, use or reallocate to local school administrative units any federal funds, or aids,
45 that may be appropriated now or hereafter by the federal government for the encouragement
46 and improvement of any phase of the free public school program which, in the judgment of the
47 Board, will be beneficial to the operation of the schools. However, the Board is not authorized
48 to accept any such funds upon any condition that the public schools of this State shall be
49 operated contrary to any provisions of the Constitution or statutes of this State."

50 **SECTION 72.** G.S. 115C-451 reads as rewritten:

1 **"§ 115C-451. Reports to State Board of Education; failure to comply with School Budget**
2 **Act.**

3 (a) The State Board of Education shall have authority to require local school
4 administrative units to make such reports as it may deem advisable with respect to the financial
5 operation of the public schools.

6 (b) The State Board of Education shall be responsible for assuring that local boards of
7 education comply with State laws and regulations regarding the budgeting, management, and
8 expenditure of funds. When a local board of education willfully or negligently fails or refuses
9 to comply with these laws and regulations, the State Board of Education shall issue a warning
10 to the local board of education and direct it to take remedial action. In addition, the State Board
11 may suspend the flexibility given to the local board under G.S. 115C-105.21A and may require
12 the local board to use funds during the term of suspension only for the purposes for which they
13 were allotted or for other purposes with the specific approval from the State Board. In addition,
14 the State Board of Education shall not approve the curriculum implementation plan of a local
15 school administrative unit that willfully or negligently fails or refuses to comply with these
16 laws and regulations and shall revoke its approval of the plan for any such unit for which it has
17 approved a plan.

18 (c) If the local board of education, after warning, persists in willfully or negligently
19 failing or refusing to comply with these laws and regulations, the State Board of Education
20 shall by resolution assume control of the financial affairs of the local board of education and
21 shall appoint an administrator to exercise the powers assumed. The adoption of a resolution
22 shall have the effect of divesting the local board of education of its powers as to the adoption of
23 budgets, expenditure of money, and all other financial powers conferred upon the local board of
24 education by law."

25 **SECTION 73.** G.S. 115C-521 reads as rewritten:

26 **"§ 115C-521. Erection of school buildings.**

27 (a) It shall be the duty of local boards of education to provide classroom facilities
28 adequate to meet the requirements of G.S. 115C-47(10) and 115C-301. Local boards of
29 education shall submit their long-range plans for meeting school facility needs to the State
30 Board of Education by January 1, 1988, and every five years thereafter. In developing these
31 plans, local boards of education shall consider the costs and feasibility of renovating old school
32 buildings instead of replacing them.

33 (b) It shall be the duty of the boards of education of the several local school
34 administrative school units of the State to make provisions for the public school term by
35 providing adequate school buildings equipped with suitable school furniture and apparatus. The
36 needs and the cost of those buildings, equipment, and apparatus, shall be presented each year
37 when the school budget is submitted to the respective tax-levying authorities. The boards of
38 commissioners shall be given a reasonable time to provide the funds which they, upon
39 investigation, shall find to be necessary for providing their respective units with buildings
40 suitably equipped, and it shall be the duty of the several boards of county commissioners to
41 provide funds for the same.

42 Upon determination by a local board of education that the existing permanent school
43 building does not have sufficient classrooms to house the pupil enrollment anticipated for the
44 school, the local board of education may acquire and use as temporary classrooms for the
45 operation of the school, ~~relocatable or mobile classroom units, whether built on the lot or not,~~
46 ~~which units and method of use shall meet the approval of the School Planning Division of the~~
47 ~~State Board of Education, and which school. These units shall comply with all applicable~~
48 requirements of the North Carolina State Building Code and of the local building and electrical
49 codes applicable to the area in which the school is located. These units shall also be anchored in
50 a manner required to assure their structural safety in severe weather. The acquisition and
51 installation of these units shall be subject in all respects to the provisions of Chapter 143 of the

1 General Statutes. The provisions of Chapter 87, Article 1, of the General Statutes, shall not
2 apply to persons, firms or corporations engaged in the sale or furnishing to local boards of
3 education and the delivery and installation upon school sites of classroom trailers as a single
4 building unit or of relocatable or mobile classrooms delivered in less than four units or sections.

5 (c) The building of all new school buildings and the repairing of all old school
6 buildings shall be under the control and direction of, and by contract with, the board of
7 education for which the building and repairing is done. ~~If a board of education is considering
8 building a new school building to replace an existing school building, the board shall not invest
9 any construction money in the new building unless it submits to the State Superintendent and
10 the State Superintendent submits to the North Carolina Historical Commission an analysis that
11 compares the costs and feasibility of building the new building and of renovating the existing
12 building and that clearly indicates the desirability of building the new building. No board of
13 education shall invest any money in any new building until it has (i) developed plans based
14 upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the
15 State Board for its review and comments, and (iii) reviewed the plans based upon a
16 consideration of the comments it receives from the State Board. No local board of education
17 shall contract for more money than is made available for the erection of a new building.
18 However, this subsection shall not be construed so as to prevent boards of education from
19 investing any money in buildings that are being constructed pursuant to a continuing contract of
20 construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing
21 and all buildings shall be inspected, received, and approved by the local superintendent and the
22 architect before full payment is made therefor. Nothing in this subsection shall prohibit boards
23 of education from repairing and altering buildings with the help of janitors and other regular
24 employees of the board.~~

25 In the design and construction of new school buildings and in the renovation of existing
26 school buildings that are required to be designed by an architect or engineer under
27 G.S. 133-1.1, the local board of education shall participate in the ~~planning and review process
28 of the Energy Guidelines for School Design and Construction that are developed and
29 maintained by the Department of Public Instruction and shall adopt local energy use goals for
30 building design and operation that take into account local conditions in an effort to reduce the
31 impact of operation costs on local and State budgets.~~ planning. In the design and construction
32 of new school facilities and in the repair and renovation of existing school facilities, the local
33 board of education shall consider the placement and design of windows to use the climate of
34 North Carolina for both light and ventilation in case of power shortages. ~~A local board shall
35 also consider the installation of solar energy systems in the school facilities whenever
36 practicable.~~

37 ~~In the case of any school buildings erected, repaired, or equipped with any money loaned or
38 granted by the State to any local school administrative unit, no board of education shall invest
39 any money until it has (i) developed plans based upon a consideration of the State Board's
40 facilities guidelines, (ii) submitted these plans to the State Board for its review and comments,
41 and (iii) reviewed the plans based upon a consideration of the comments it receives from the
42 State Board.~~

43 ~~(c1) No local board of education shall apply for a certificate of occupancy for any new
44 middle or high school building until the plans for the science laboratory areas of the building
45 have been reviewed and approved to meet accepted safety standards for school science
46 laboratories and related preparation rooms and stockrooms. The review and approval of the
47 plans may be done by the State Board of Education or by any other entity that is licensed or
48 authorized by the State Board to do so.~~

49 (d) Local boards of education shall make no contract for the erection of any school
50 building unless the site upon which it is located is owned in fee simple by the board: Provided,
51 that the board of education of a local school administrative unit, with the approval of the board

1 of county commissioners, may appropriate funds to aid in the establishment of a school facility
2 and the operation thereof in an adjoining local school administrative unit when a written
3 agreement between the boards of education of the administrative units involved has been
4 reached and the same recorded in the minutes of the boards, whereby children from the
5 administrative unit making the appropriations shall be entitled to attend the school so
6 established.

7 In all cases where title to property has been vested in the trustees of a special charter district
8 which has been abolished and has not been reorganized, title to the property shall be vested in
9 the local board of education of the county embracing the former special charter district.

10 ~~(e) The State Board of Education shall establish within the Department of Public~~
11 ~~Instruction a central clearinghouse for access by local boards of education that may want to use~~
12 ~~a prototype design in the construction of school facilities. The State Board shall compile~~
13 ~~necessary publications and a computer database to distribute information on prototype designs~~
14 ~~to local school administrative units. All architects and engineers registered in North Carolina~~
15 ~~may submit plans for inclusion in the computer database and these plans may be accessed by~~
16 ~~any person. The original architect of record or engineer of record shall retain ownership and~~
17 ~~liability for a prototype design. The State Board may adopt rules it considers necessary to~~
18 ~~implement this subsection."~~

19 **SECTION 74.** G.S. 115C-522(a) reads as rewritten:

20 "(a) It shall be the duty of local boards of education to purchase or exchange all supplies,
21 equipment, and materials, and these purchases shall be made in accordance with Article 8 of
22 Chapter 143 of the General Statutes. ~~These purchases may be made from contracts made by the~~
23 ~~Department of Administration.~~ Title to instructional supplies, office supplies, fuel and janitorial
24 supplies, enumerated in the current expense fund budget and purchased out of State funds, shall
25 be taken in the name of the local board of education which shall be responsible for the custody
26 and replacement: Provided, that no contracts shall be made by any local school administrative
27 unit for purchases unless provision has been made in the budget of the unit to pay for the
28 purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are
29 made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay
30 in the current fiscal year the sums obligated for the current fiscal year. The State Board of
31 Education shall adopt rules regarding equipment standards for supplies, equipment, and
32 materials related to student transportation. The State Board may adopt guidelines for any
33 commodity that needs safety features. If a commodity that needs safety features is available on
34 statewide term contract, any guidelines adopted by the State Board must at a minimum meet the
35 safety standards of the statewide term contract. Compliance with Article 8 of Chapter 143 of
36 the General Statutes is not mandatory for the purchase of published books, manuscripts, maps,
37 pamphlets, and periodicals.

38 (1) Where competition is available, local school administrative units may ~~utilize~~
39 ~~the; utilize:~~

40 a. The E-Quote service of the NC E-Procurement system as one means
41 of solicitation in seeking informal bids for purchases subject to the
42 bidding requirements of G.S. 143-131; and

43 b. The Division of Purchase and Contract's electronic Interactive
44 Purchasing System as one means of advertising formal bids on
45 purchases subject to the bidding requirements of G.S. 143-129 and
46 applicable rules regarding advertising. This sub-subdivision does not
47 prohibit a local school administrative unit from using other methods
48 of advertising.

49 c. Any other system, in the discretion of the local board.

50 (2) In order to provide an efficient transition of purchasing procedures, the
51 Secretary of the Department of Administration and the local school

1 administrative units shall establish a local school administrative unit
2 purchasing user group. The user group shall be comprised of a proportionate
3 number of representatives from the Department of Administration and local
4 school administrative unit purchasing and finance officers. The user group
5 shall examine any issues that may arise between the Department of
6 Administration and local school administrative units, including the new
7 relationship between the Department and the local school administrative
8 units, the appropriate exchange of information, the continued efficient use of
9 E-Procurement, appropriate bid procedures, and any other technical
10 assistance that may be necessary for the purchase of supplies and materials."

11 **SECTION 75.** G.S. 115C-526 reads as rewritten:

12 **"§ 115C-526. Reward for information leading to arrest of persons damaging school**
13 **property.**

14 Local boards of education are authorized and empowered to offer and pay rewards in an
15 amount not exceeding ~~three hundred dollars (\$300.00)~~ five thousand dollars (\$5,000) for
16 information leading to the arrest and conviction of any persons who willfully deface, damage,
17 destroy or commit acts of vandalism or larceny of, the property belonging to the public school
18 system under the jurisdiction of and administered by any local board of education."

19 **SECTION 76.** G.S. 115C-528(a) reads as rewritten:

20 "(a) Local boards of education may purchase or finance the purchase of automobiles;
21 school buses; mobile classroom units; food service equipment, photocopiers; and computers,
22 computer hardware, computer software, and related support services by lease purchase
23 contracts and installment purchase contracts as provided in this section. ~~Computers, computer~~
24 ~~hardware, computer software, and related support services purchased under this section shall~~
25 ~~meet the technical standards specified in the North Carolina Instructional Technology Plan as~~
26 ~~developed and approved under G.S. 115C-102.6A and G.S. 115C-102.6B."~~

27 **SECTION 77.** Section 3 of S.L. 2006-232, as rewritten by Section 1 of S.L.
28 2011-234, reads as rewritten:

29 **"SECTION 3.** This act is effective when it becomes law and is repealed effective ~~July 1,~~
30 ~~2015.~~ July 1, 2013."

31 **SECTION 78.** G.S. 115C-546.2 reads as rewritten:

32 **"§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General**
33 **Fund; matching requirements.**

34 (a) ~~Of the monies~~ Monies credited to the Fund by the Secretary of Revenue pursuant to
35 ~~G.S. 115C-546.1(b), the State Board of Education may allocate up to one million dollars~~
36 ~~(\$1,000,000) each year to the Department of Public Instruction. These funds shall be used by~~
37 ~~the Plant Operation Section of the School Support Division to assist each local school~~
38 ~~administrative unit with effective energy and environmental management, effective water~~
39 ~~management, hazardous material management, clean air quality, and engineering support for~~
40 ~~safe, effective environmental practices. The remainder of the monies in the Fund~~
41 G.S. 115C-546.1(b) shall be allocated to the counties on a per average daily membership basis
42 according to the average daily membership for the budget year as determined and certified by
43 the State Board of Education. Interest earned on funds allocated to each county shall be
44 allocated to that county.

45 ~~The Department of Public Instruction shall report to the Joint Legislative Education~~
46 ~~Oversight Committee by April 15 of each year on the effectiveness of the program in~~
47 ~~accomplishing its purpose and on any other information requested by the Committee.~~

48 (b) Counties shall use monies in the Fund for capital outlay projects including the
49 planning, construction, reconstruction, enlargement, improvement, repair, or renovation of
50 public school buildings and for the purchase of land for public school buildings; for equipment
51 to implement a local school technology plan that is approved pursuant to G.S. 115C-102.6C; or

1 for both. Monies used to implement a local school technology plan shall be transferred to the
2 State School Technology Fund and allocated by that Fund to the local school administrative
3 unit for equipment.

4 As used in this section, "public school buildings" only includes facilities for individual
5 schools that are used for instructional and related purposes and does not include centralized
6 administration, maintenance, or other facilities.

7 In the event a county finds that it does not need all or part of the funds allocated to it for
8 capital outlay projects including the planning, construction, reconstruction, enlargement,
9 improvement, repair, or renovation of public school buildings, for the purchase of land for
10 public school buildings, or for equipment to implement a local school technology plan, the
11 unneeded funds allocated to that county may be used to retire any indebtedness incurred by the
12 county for public school facilities.

13 In the event a county finds that its public school building needs and its school technology
14 needs can be met in a more timely fashion through the allocation of financial resources
15 previously allocated for purposes other than school building needs or school technology needs
16 and not restricted for use in meeting public school building needs or school technology needs,
17 the county commissioners may, with the concurrence of the affected local Board of Education,
18 use those financial resources to meet school building needs and school technology needs and
19 may allocate the funds it receives under this Article for purposes other than school building
20 needs or school technology needs to the extent that financial resources were redirected from
21 such purposes. The concurrence described herein shall be secured in advance of the allocation
22 of the previously unrestricted financial resources and shall be on a form prescribed by the Local
23 Government Commission.

24 ~~(e) Monies in the Fund allocated for capital projects shall be matched on the basis of~~
25 ~~one dollar of local funds for every three dollars of State funds. Monies in the Fund transferred~~
26 ~~to the State Technology Fund do not require a local match.~~

27 ~~Revenue received from local sales and use taxes that is restricted for public school capital~~
28 ~~outlay purposes pursuant to G.S. 105-502 or G.S. 105-487 may be used to meet the local~~
29 ~~matching requirement. Funds expended by a county after July 1, 1986, for land acquisition,~~
30 ~~engineering fees, architectural fees, or other directly related costs for a public school building~~
31 ~~capital project that was not completed prior to July 1, 1987, may be used to meet the local~~
32 ~~match requirement.~~

33 (d) Monies transferred into the Fund in accordance with Chapter 18C of the General
34 Statutes shall be allocated for capital projects for school construction projects ~~as follows: on a~~
35 per average daily membership basis.

36 (1) ~~A sum equal to sixty five percent (65%) of those monies transferred in~~
37 ~~accordance with G.S. 18C-164 shall be allocated on a per average daily~~
38 ~~membership basis according to the average daily membership for the budget~~
39 ~~year as determined and certified by the State Board of Education.~~

40 (2) ~~A sum equal to thirty five percent (35%) of those monies transferred in~~
41 ~~accordance with G.S. 18C-164 shall be allocated to those local school~~
42 ~~administrative units located in whole or part in counties in which the~~
43 ~~effective county tax rate as a percentage of the State average effective tax~~
44 ~~rate is greater than one hundred percent (100%), with the following~~
45 ~~definitions applying to this subdivision:~~

46 a. ~~"Effective county tax rate" means the actual county rate for the~~
47 ~~previous fiscal year, including any countywide supplemental taxes~~
48 ~~levied for the benefit of public schools, multiplied by a three-year~~
49 ~~weighted average of the most recent annual sales assessment ratio~~
50 ~~studies.~~

- 1 b. ~~"State average effective tax rate" means the average effective county~~
- 2 ~~tax rates for all counties.~~
- 3 e. ~~"Sales assessment ratio studies" means sales assessment ratio studies~~
- 4 ~~performed by the Department of Revenue under G.S. 105-289(h).~~
- 5 (3) No county shall have to provide matching funds required under subsection
- 6 (c) of this section.
- 7 (4) A county may use monies in this Fund to pay for school construction
- 8 projects in local school administrative units and to retire indebtedness
- 9 incurred for school construction projects.
- 10 (5) ~~A county may not use monies in this Fund to pay for school technology~~
- 11 ~~needs. For July 1, 2013, through June 30, 2016, a county at the request of a~~
- 12 local school administrative unit may use monies in this Fund to pay for
- 13 digital learning needs such as school connectivity, digital textbooks and
- 14 instructional resources, or digital devices in local school administrative
- 15 units. A county that uses these funds for digital learning needs shall also use
- 16 a portion of the funds to ensure high-quality, ongoing professional
- 17 development for teachers.
- 18 Effective July 1, 2016, a county, at the request of a local school
- 19 administrative unit, may use monies in this Fund for digital learning needs
- 20 only if the State Board of Education determines that the local school
- 21 administrative unit has demonstrated consistent improvement and growth in
- 22 student outcomes."

23 **SECTION 79.** There is appropriated from the General Fund to the Department of
 24 Public Instruction the sum of two million two hundred thousand dollars (\$2,200,000) for the
 25 2013-2014 fiscal year and the sum of two million two hundred thousand dollars (\$2,200,000)
 26 for the 2014-2015 fiscal year. These funds shall be used to assist local school administrative
 27 units in the development and implementation of their curriculum implementation plans, to
 28 monitor the implementation of those plans, and for auditing teams, in accordance with this act.

29 **SECTION 80.** Except as otherwise provided, this act is effective when it becomes
 30 law and applies beginning with the 2013-2014 school year.