

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 7

Committee Substitute Favorable 2/28/95

Senate Education/Higher Education Committee Substitute Adopted 4/17/95

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

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE STATUTES SO AS TO STREAMLINE THE OPERATIONS OF THE STATE EDUCATION AGENCY.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-1.1. State governance of the public school system.**

Because the executive power of the State is vested in the Governor, the General Assembly believes that, ultimately, the Governor is responsible for the general supervision of the free public school system in North Carolina. The Governor appoints and guides the members of the State Board of Education which then supervises and administers the public school system. The Superintendent of Public Instruction serves as secretary and chief administrative officer of the State Board. As secretary and chief administrative officer, the Superintendent manages on a day-to-day basis the administration of the free public school system, subject to the direction, control, and approval of the State Board."

Sec. 2. G.S. 115C-19 reads as rewritten:

1 **"§ 115C-19. Chief administrative officer of the State Board of Education.**

2 As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the  
3 Superintendent of Public Instruction shall be the secretary and chief administrative  
4 officer of the State Board of Education. ~~The Superintendent of Public Instruction shall~~  
5 ~~administer the policies adopted by the State Board of Education.~~ Subject to the direction,  
6 control, and approval of the State Board of Education, the Superintendent of Public  
7 Instruction shall carry out the duties prescribed under G.S. 115C-21."

8 Sec. 3. G.S. 115C-21 reads as rewritten:

9 **"§ 115C-21. Powers and duties generally.**

10 (a) Administrative Duties. ~~It~~ Subject to the direction, control, and approval  
11 of the State Board of Education, it shall be the duty of the Superintendent of Public  
12 Instruction:

- 13 (1) To organize and establish a Department of Public Instruction which  
14 shall include such divisions and departments as ~~are~~ the State Board  
15 considers necessary for supervision and administration of the public  
16 school system, ~~to administer the funds for the operation of the Department of~~  
17 ~~Public Instruction, and to enter into contracts for the operations of the~~  
18 ~~Department of Public Instruction.~~ system. All appointments of  
19 administrative and supervisory personnel to the staff of the Department  
20 of Public Instruction are subject to the approval of the State Board of  
21 Education, which may terminate these appointments for cause in  
22 conformity with Chapter 126 of the General Statutes, the State  
23 Personnel System.
- 24 (2) To keep the public informed as to the problems and needs of the public  
25 schools by constant contact with all school administrators and teachers,  
26 by ~~his~~ personal appearance at public gatherings, and by information  
27 furnished to the press of the State.
- 28 (3) To report biennially to the Governor 30 days prior to each regular  
29 session of the General Assembly, such report to include information and  
30 statistics of the public schools, with recommendations for their  
31 improvement and for ~~such changes in the school law as shall occur to him.~~  
32 changes in the school law.
- 33 (4) To have printed and distributed such educational bulletins as ~~he shall~~  
34 ~~deem~~ are necessary for the professional improvement of teachers and for  
35 the cultivation of public sentiment for public education, and to have  
36 printed all forms necessary and proper for the administration of the  
37 Department of Public Instruction.
- 38 (5) To ~~have under his direction, in his capacity as the constitutional head of the~~  
39 ~~public school system,~~ manage all those matters relating to the supervision  
40 and administration of the public school system. ~~system.~~ system that the State  
41 Board delegates to the Superintendent of Public Instruction.
- 42 (6) To create a special fund within the Department of Public Instruction to  
43 manage funds received as grants from nongovernmental sources in

1 support of public education. The Superintendent may accept grants and gifts  
2 from corporations and other sources made in support of public education and  
3 may hold and disburse such funds, in accordance with the purposes,  
4 conditions, and limitations associated with such grants and gifts. Any special  
5 fund created pursuant to this subdivision shall be subject to audit by the State  
6 Auditor. Effective July 1, 1995, this special fund is transferred to the  
7 State Board of Education and shall be administered by the State Board  
8 in accordance with G.S. 115C-410.

9 ~~(7) To have solely under his direction and control all matters relating to~~  
10 ~~provision of staff services and support to the State Board of Education,~~  
11 ~~including implementation of federal programs on behalf of the State~~  
12 ~~Board of Education, except as otherwise provided in the Current~~  
13 ~~Operations Appropriations Act.~~

14 (b) Duties as Secretary to the State Board of Education. — ~~As secretary, under the~~  
15 ~~direction of the Board, Subject to the direction, control, and approval of the State Board of~~  
16 Education, it shall be the duty of the Superintendent of Public Instruction:

17 (1) To administer through the Department of Public Instruction, ~~all the~~  
18 instructional policies established by the Board.

19 ~~(1a) To administer the funds appropriated for the operations of the State~~  
20 ~~Board of Education and for aid to local school administrative units.~~

21 (2) To keep the Board informed regarding developments in the field of  
22 public education.

23 (3) To make recommendations to the Board with regard to the problems and  
24 needs of education in North Carolina.

25 (4) To make available to the public schools a continuous program of  
26 comprehensive supervisory services.

27 (5) To collect and organize information regarding the public schools, on the  
28 basis of which he shall furnish the Board such tabulations and reports as  
29 may be required by the Board.

30 (6) To communicate to the public school administrators all information and  
31 instructions regarding instructional policies and procedures adopted by  
32 the Board.

33 (7) To have custody of the official seal of the Board and to attest all deeds,  
34 leases, or written contracts executed in the name of the Board. All deeds  
35 of conveyance, leases, and contracts affecting real estate, title to which  
36 is held by the Board, and all contracts of the Board required to be in  
37 writing and under seal, shall be executed in the name of the Board by  
38 the chairman and attested by the secretary; and proof of the execution, if  
39 required or desired, may be had as provided by law for the proof of  
40 corporate instruments.

41 (8) To attend all meetings of the Board and to keep the minutes of the  
42 proceedings of the Board in a well-bound and suitable book, which  
43 minutes shall be approved by the Board prior to its adjournment; and, as

1 soon thereafter as possible, to furnish to each member of the Board a  
2 copy of said minutes.

3 (9) To perform such other duties as the Board may assign to him from time  
4 to time."

5 Sec. 4. Article 5 of Chapter 143A of the General Statutes is amended by  
6 adding three new sections to read:

7 **"§ 143A-39. Creation.**

8 There is hereby created a Department of Public Instruction. The head of the  
9 Department of Public Instruction is the State Board of Education. Any provision of G.S.  
10 143A-9 to the contrary notwithstanding, the appointment of the State Board of Education  
11 shall be as prescribed in Article IV, Section 4(1)of the Constitution.

12 **"§ 143A-40. State Board of Education; transfer of powers and duties to State**  
13 **Board.**

14 The State Board of Education shall have all powers and duties conferred on the Board  
15 by this Article, delegated to the Board by the Governor, and conferred by the Constitution  
16 and laws of this State.

17 **"§ 143A-42. Superintendent of Public Instruction; creation; transfer of powers and**  
18 **duties.**

19 The office of the Superintendent of Public Instruction, as provided for by Article III,  
20 Section 7 of the Constitution, and the Department of Public Instruction are transferred to  
21 the Department of Public Instruction. The Superintendent of Public Instruction shall be  
22 the Secretary and Chief Administrative Officer of the State Board of Education, and shall  
23 have all powers and duties conferred by the Constitution, by the State Board of  
24 Education, Chapter 115C of the General Statutes, and the laws of this State."

25 Sec. 5. The State Board of Education shall review all State laws and policies  
26 governing the public school system to ensure their compliance with the intent of this act  
27 to restore constitutional authority to the State Board. The Board shall complete this  
28 review and make any recommendations for additional statutory changes to the General  
29 Assembly by May 1, 1995.

30 Sec. 6. This act is effective upon ratification.