

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 493
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Short Title: Low Performing School Units.

(Public)

Sponsors: Representatives Nesbitt; H. Hunter and Rogers.

Referred to: Education.

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STATE ASSISTANCE AND INTERVENTION IN LOW
3 PERFORMING SCHOOL UNITS.

4 The General Assembly of North Carolina enacts:

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

7 **"ARTICLE 6A.**

8 **"STATE ASSISTANCE AND INTERVENTION IN LOW**
9 **PERFORMING SCHOOL UNITS.**

10 **"§ 115C-64.1. Identification of low performing school units.**

11 The State Board of Education shall annually identify low performing local school
12 administrative units. Low performing local school administrative units are units in
13 which (i) student performance measures are substantially below, as defined by the State
14 Board, those reported by units with similar demographic characteristics and (ii) student
15 dropout rates are substantially higher than, as defined by the State Board, the average
16 statewide rate.

17 **"§ 115C-64.2. Development of plans to improve student performance and decrease**
18 **dropout rates.**

19 (a) Each identified local school administrative unit shall submit to the State
20 Board of Education a plan for improving student performance and decreasing dropout
21 rates. The plan may include requests for the State Board to waive State laws and
22 regulations so as to grant the unit the fiscal and programmatic flexibility necessary to
23 implement the plan. The State Board may grant such waivers if it finds that the waivers

1 are necessary and appropriate for the unit to improve student performance and decrease
2 dropout rates.

3 (b) The Department of Public Instruction shall contact each identified unit,
4 notify it of the services available through the Department to assist the unit in developing
5 its plan and in improving student performance and decreasing dropout rates, and assist
6 the unit in developing and implementing its plan. Department services shall include
7 monitoring the unit's progress, tutoring and counseling unit personnel in strategies to
8 reach the unit's goals, and providing additional funds to the unit to accomplish approved
9 portions of the plan.

10 **"§ 115C-64.3. Notification of parents and the general public.**

11 (a) Each identified unit shall notify the parents of students attending schools in
12 the unit that the State Board of Education has found that (i) student performance
13 measures in the unit are substantially below those reported by units with similar
14 demographic characteristics and (ii) student dropout rates are substantially higher than
15 the average statewide rate.

16 (b) The Department of Public Instruction shall prepare and release a report for
17 each identified unit. The report shall include the identified unit's description of the steps
18 it is taking to improve student performance measures and reduce student dropout rates.

19 **"§ 115C-64.4. Review of plans by the State Board; appointment of caretakers.**

20 (a) The State Board shall annually review the progress made in identified units.
21 If the State Board finds that a unit has not made satisfactory progress, as defined by the
22 State Board, the State Board shall appoint a caretaker administrator, a caretaker board,
23 or both; Provided, however, that no caretaker administrator or board shall be appointed
24 in less than one year following the submission of an identified unit's plan, or prior to
25 January 1, 1994.

26 (b) The State Board may assign any of the powers and duties of the local
27 superintendent and the local finance officer to the caretaker administrator as it deems
28 necessary and appropriate to improve student performance measures and reduce student
29 dropout rates in the unit. The caretaker administrator shall perform all of such powers
30 and duties. The State Board may dismiss any local superintendent or local finance
31 officer with whom a local board of education entered into a contract after July 1, 1991,
32 when it appoints a caretaker administrator. Neither party to any such contract shall be
33 entitled to damages.

34 (c) The State Board may assign any of the powers and duties of the local board
35 of education to a caretaker board as it deems necessary and appropriate to improve
36 student performance measures and reduce student dropout rates in the unit. The
37 caretaker board shall perform all of such powers and duties.

38 (d) After a caretaker board has been appointed, the General Assembly shall
39 consider, at its next session, the future governance of the identified school
40 administrative unit.

41 **"§ 115C-64.5. Adoption of rules.**

42 Prior to December 1, 1991, the State Board of Education shall adopt rules, policies,
43 and procedures to implement this Article, including rules, policies, and procedures for

44 (i) providing identified districts with assistance in developing and implementing

1 improvement plans, (ii) approving waivers of State laws and regulations as necessary
2 and appropriate to implement improvement plans, (iii) determining when caretaker
3 administrators and boards shall be appointed, (iv) appointing caretaker administrators
4 and boards, and (v) determining the term of caretaker administrators and boards."

5 Sec. 2. Sec. 2. G.S. 120-30.9G is rewritten to read:

6 "**§ 120-30.9G. School Administrative Units; State Board of Education; Local**
7 **Boards of Education Attorney.**

8 (a) The State Board of Education shall submit to the Attorney General of the
9 United States within 30 days any rules, policies, procedures or actions taken pursuant to
10 G.S. 115C-64.4 which could result in the appointment of a caretaker administrator or
11 board to perform any of the powers and duties of a local board of education where that
12 school administrative unit is covered by the Voting Rights Act of 1965.

13 (b) The attorney for any local board of education where that school
14 administrative unit is covered by the Voting Rights Act of 1965 shall submit to the
15 Attorney General of the United States within 30 days of ratification any local acts of the
16 General Assembly, or actions of the local boards of education which constitutes a
17 'change affecting voting' under Section 5 of the Voting Rights Act of 1965 in that school
18 administrative unit. If the change affecting voting is a merger of two or more school
19 administrative units, the change shall be submitted jointly by the attorneys of the school
20 administrative units involved, or by one of them by agreement of the attorneys
21 involved."

22 Sec. 3. G.S. 115C-12 is amended by adding a new subsection to read:

23 "(20) Duty to report appointment of caretaker administrators and boards
24 – Pursuant to G.S. 120-30.9G. the State Board of Education shall
25 submit to the Attorney General of the United States within 30 days
26 any rules, policies, procedures or actions taken pursuant to G.S.
27 115C-64.4 which could result in the appointment of a caretaker
28 administrator or board to perform any of the powers and duties of a
29 local board of education where that school administrative unit is
30 covered by the Voting Rights Act of 1965."

31 Sec. 4. Upon ratification of this act, the State Board of Education shall
32 submit, to the Attorney General of the United States for preclearance under the Voting
33 Rights Act of 1965, Article 6A of Chapter 115C as it is created by this act.

34 Sec. 5. G.S. 115C-451 is rewritten to read:

35 "**§ 115C-451. Reports to State Board of ~~Education.~~ Education; Failure to Comply**
36 **with School Budget Act.**

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

40 (b) The State Board of Education shall be responsible for assuring that local
41 boards of education comply with State laws and regulations regarding the budgeting,
42 management and expenditure of funds. When a local board of education willfully or
43 negligently fails or refuses to comply with these laws and regulations, the State Board

1 of Education shall issue a warning to the local board of education and direct it to take
2 remedial action.

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

10 Sec. 6. If any section or provision of this act is declared invalid under
11 Section 5 of the Voting Rights Act of 1965, or unconstitutional by the courts, it does not
12 affect the validity of this act as a whole, or any part other than the part declared to be
13 unconstitutional or invalid.

14 This act is effective upon ratification.