

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 9

Short Title: State Sup./St. Bd. of Educ. Chair.

(Public)

Sponsors: Senator Conder; Daniel and Martin of Guilford.

Referred to: Education.

January 31, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
THE CHAIRMAN OF THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-11 reads as rewritten:

"§ 115C-11. Organization and internal procedures of Board.

(a) Presiding Officer. – The Superintendent of Public Instruction shall serve as the chairman of the State Board of Education. The State Board of Education shall elect from its membership a ~~chairman and~~ vice-chairman. A majority of the Board shall constitute a quorum for the transaction of business. Per diem and expenses of the appointive members of the Board shall be provided by the General Assembly. The chairman of the Board shall preside at all meetings of the Board. In the absence of the chairman, the vice-chairman shall preside; in the absence of both the chairman and the vice-chairman, the Board shall name one of its own members as chairman pro tempore.

(a1) Student advisors – The Governor is hereby authorized to appoint two high school students who are enrolled in the public schools of North Carolina as advisors to the State Board of Education. The student advisors shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student advisors from executive sessions.

The Governor shall make initial appointments of student advisors to the State Board as follows:

- (1) One high school junior shall be appointed for a two-year term beginning September 1, 1986, and expiring June 14, 1988; and

1 (2) One high school senior shall be appointed for a one-year term
2 beginning September 1, 1986, and expiring June 14, 1987. When an
3 initial or subsequent term expires, the Governor shall appoint a high
4 school junior for a two-year term beginning June 15 of that year. If a
5 student advisor is no longer enrolled in the public schools of North
6 Carolina or if a vacancy otherwise occurs, the Governor shall appoint a
7 student advisor for the remainder of the unexpired term.

8 Student advisors shall receive per diem and necessary travel and subsistence
9 expenses in accordance with the provisions of G.S. 138-5.

10 (a2) State Teacher of the Year Advisor. – Each State Teacher of the Year, as
11 designated by the Department of Public Instruction, shall serve ex officio as advisor to
12 the State Board of Education. Each State Teacher of the Year shall begin service as
13 advisory member to the State Board at the commencement of the teacher's term as State
14 Teacher of the Year and shall serve for two years. The State Teachers of the Year shall
15 participate in State Board deliberations and committee meetings in an advisory capacity
16 only. The State Board may, in its discretion, exclude the State Teachers of the Year
17 from executive sessions.

18 In the event a vacancy occurs in the State Teacher of the Year's advisory position,
19 the teacher who was next runner-up to that State Teacher of the Year shall serve as the
20 advisory member to the Board for the remainder of the unexpired term. The State
21 Teacher of the Year advisors to the State Board shall receive per diem and necessary
22 travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

23 (b) Regular Meetings of Board. – The regular meetings of the Board shall be held
24 each month on a day certain, as determined by the Board. The Board shall determine the
25 hour of the meeting, which may be adjourned from day to day, or to a day certain, until
26 the business before the Board has been completed.

27 (b1) Annual meeting with the State Board of Community Colleges and the Board
28 of Governors of The University of North Carolina. The State Board of Education shall
29 meet with the State Board of Community Colleges and the Board of Governors of The
30 University of North Carolina at least once a year to discuss educational matters of
31 mutual interest and to recommend to the General Assembly such policies as are
32 appropriate to encourage the improvement of public education at every level in this
33 State. The meeting in 1987 and every three years thereafter shall be hosted by the
34 University Board of Governors, the meeting in 1988 and every three years thereafter
35 shall be hosted by the State Board of Education, and the meeting in 1989 and every
36 three years thereafter shall be hosted by the State Board of Community Colleges.

37 (c) Special Meetings. – Special meetings of the Board may be set at any regular
38 meeting or may be called by the ~~chairman or by the secretary upon the approval of the~~
39 ~~chairman~~: Provided, a special meeting shall be called by the chairman upon the request
40 of any five members of the Board. In case of regular meetings and special meetings, the
41 secretary shall give notice to each member, in writing, of the time and purpose of the
42 meeting, by letter directed to each member at his home post-office address. Such notice
43 must be deposited in the Raleigh Post Office at least three days prior to the date of
44 meeting.

1 (d) Voting. – No voting by proxy shall be permitted. Except in voting on
2 textbook adoptions, all voting shall be **viva voce** unless a record vote or secret ballot is
3 demanded by any member, and a majority of those present and voting shall be necessary
4 to carry a motion.

5 (e) Voting on Adoption of Textbooks. – A majority vote of the whole
6 membership of the Board shall be required to adopt textbooks, and a roll call vote shall
7 be had on each motion for such adoption or adoptions. A record of all such votes shall
8 be kept in the minute book.

9 (f) Committees. – The Board may create from its membership such committees
10 as it deems necessary to facilitate its business. The chairman of the Board shall with
11 approval of the majority of the Board appoint members to the several committees
12 authorized by the Board and to any additional committees which the chairman may
13 deem to be appropriate.

14 (g) Record of Proceedings. – All of the proceedings of the Board shall be
15 recorded in a well-bound and suitable book, which shall be kept in the office of the
16 Superintendent of Public Instruction, and open to public inspection.

17 (h) Rules and Regulations. – The Board shall adopt reasonable rules and
18 regulations not inconsistent herewith, to govern its proceedings which the Board may
19 amend from time to time, which rules and regulations shall become effective when filed
20 as provided by law: Provided, however, a motion to suspend the rules so adopted shall
21 require a consent of two thirds of the members. The rules and regulations shall include,
22 but not be limited to, clearly defined procedures for electing the officers of the State
23 Board referred to in G.S. 115C-11(a), fixing the term of said officers, specifying how
24 the voting shall be carried out, and establishing a date when the first election shall be
25 held.”

26 Sec. 2. G.S. 115C-21(b) reads as rewritten:

27 "(b) Duties as Secretary to the State Board of Education. – As secretary, under the
28 direction of the Board, it shall be the duty of the Superintendent of Public Instruction:

- 29 (1) To administer through the Department of Public Instruction, all
30 policies established by the Board.
- 31 (1a) To administer the funds appropriated to the Department of Public
32 Education for the operations of the State Board of Education and for
33 aid to local school administrative units.
- 34 (2) To keep the Board informed regarding developments in the field of
35 public education.
- 36 (3) To make recommendations to the Board with regard to the problems
37 and needs of education in North Carolina.
- 38 (4) To make available to the public schools a continuous program of
39 comprehensive supervisory services.
- 40 (5) To collect and organize information regarding the public schools, on
41 the basis of which he shall furnish the Board such tabulations and
42 reports as may be required by the Board.

- 1 (6) To communicate to the public school administrators all information
2 and instructions regarding instructional policies and procedures
3 adopted by the Board.
- 4 (7) To have custody of the official seal of the Board and to attest all deeds,
5 leases, or written contracts executed in the name of the Board. All
6 deeds of conveyance, leases, and contracts affecting real estate, title to
7 which is held by the Board, and all contracts of the Board required to
8 be in writing and under seal, shall be executed in the name of the
9 Board by the chairman and attested by the ~~secretary~~; vice-chairman;
10 and proof of the execution, if required or desired, may be had as
11 provided by law for the proof of corporate instruments.
- 12 (8) To attend all meetings of the Board and to keep the minutes of the
13 proceedings of the Board in a well-bound and suitable book, which
14 minutes shall be approved by the Board prior to its adjournment; and,
15 as soon thereafter as possible, to furnish to each member of the Board
16 a copy of said minutes.
- 17 (9) To perform such other duties as the Board may assign to him from
18 time to time."

19 Sec. 3. G.S. 115C-105(a) reads as rewritten:

20 "(a) There is hereby established the North Carolina Education Council composed
21 of the members of the education commission of the states representing this State, and
22 not exceeding five other persons appointed by the Governor for terms of three years.
23 Such other persons shall be selected so as to be broadly representative of professional
24 and lay interests within this State having the responsibilities for, knowledge with respect
25 to, and interest in educational matters. The Governor shall serve as chairman of the
26 North Carolina Education Council or any person that the Governor may designate shall
27 serve as chairman. The ~~chairman~~ vice-chairman of the State Board of Education, the
28 Superintendent of Public Instruction, the chairman of the Board of Governors of The
29 University of North Carolina, and the President of The University of North Carolina
30 shall be ex officio members of the North Carolina Education Council. The council shall
31 meet on the call of its chairman or at the request of a majority of its members, but in any
32 event the Council shall meet not less than three times in each year. The Council may
33 consider any and all matters relating to the recommendations of the education
34 commission of the states and the activities of the members in representing this State
35 thereon."

36 Sec. 4. G.S. 20-81(4) reads as rewritten:

- 37 "(4) Elective and Appointive. – Official plates issued to elective and
38 appointive members of State government shall bear number
39 designations beginning with number 1 which shall be assigned to the
40 Governor of North Carolina and numbers following thereafter shall be
41 issued to in the following order:
- 42 2. Lieutenant Governor of North Carolina.
 - 43 3. Speaker of the House of Representatives.
 - 44 4. President Pro Tempore of the Senate.

1	5.	Secretary of State.
2	6.	State Auditor.
3	7.	State Treasurer.
4	8.	Superintendent of Public Instruction.
5	9.	Attorney General.
6	10.	Commissioner of Agriculture.
7	11.	Commissioner of Labor.
8	12.	Commissioner of Insurance.
9	13.	Speaker Pro Tempore of the House.
10	14.	Legislative Services Officer.
11	15.	Secretary of Administration.
12	16.	Secretary of Environment, Health, and Natural
13		Resources.
14	17.	Secretary of Revenue.
15	18.	Secretary of Human Resources.
16	19.	Secretary of Economic and Community Development.
17	20.	Secretary of the Department of Correction.
18	21.	Secretary of Cultural Resources.
19	22.	Secretary of Crime Control and Public Safety.
20	23-29.	To be reserved for and assigned to members of the
21		Governor's staff at the direction of the Governor.
22	30.	State Budget Officer.
23	31.	State Personnel Director.
24	32-41.	To be reserved for and assigned to nonlegislative
25		members of the Advisory Budget Commission at the
26		direction of the Governor.
27	42.	Chairman - <u>Vice-chairman</u> , State Board of Education.
28	43.	President, U.N.C. System.
29	44.	Chairman, A.B.C. Commission.
30	45.	Member, A.B.C. Commission.
31	46.	Member, A.B.C. Commission.
32	47.	Assistant Commissioner of Agriculture.
33	48.	Assistant Commissioner of Agriculture.
34	49.	Deputy Secretary of State.
35	50.	Deputy State Treasurer.
36	51.	Assistant State Treasurer.
37	52.	Deputy Commissioner, Department of Labor.
38	53.	Chief Deputy, Department of Insurance.
39	54.	Assistant Commissioner of Insurance.
40	55-65.	Shall be reserved for and assigned to the Attorney
41		General's deputies and assistants only. Specific number
42		assignments shall be at the direction of the Attorney
43		General.

- 1 66-88. Shall be reserved for and assigned upon request to
2 nonlegislative members of the Board of Economic
3 Development. Specific number assignments to such
4 members shall be at the direction of the Governor.
- 5 89-96. Shall be reserved for and assigned upon request to
6 nonlegislative members of the State Ports Authority.
7 Specific number assignments to such members shall be
8 at the direction of the Governor.
- 9 97-104. Shall be reserved for and assigned upon request to
10 members of the Utilities Commission. Number 97 to be
11 upon request assigned to the Chairman of the Utilities
12 Commission with remaining numbers to be assigned
13 upon request to the remaining members of the Utilities
14 Commission on the basis of seniority.
- 15 105-109. Shall be reserved for and assigned upon request to
16 members of the Parole Commission. Number 105 to be
17 upon request assigned to the Chairman of the Parole
18 Commission with remaining numbers to be assigned
19 upon request to the remaining members of the Parole
20 Commission on the basis of seniority.
- 21 110-200. Shall be reserved for and assigned upon request to
22 members of State boards and commissions and State
23 employees at the direction of the Governor."

24 Sec. 5. G.S. 116-237 reads as rewritten:

25 **"§ 116-237. Educational Advisory Council.**

26 The Board of Governors shall establish a 12-member Educational Advisory Council
27 consisting of (1) ex officio, the State Superintendent of the Department of Public
28 Instruction and the ~~chairman~~-vice-chairman of the State Board of Education, and (2) 10
29 persons who are scientists, mathematicians, public school representatives, or other
30 persons having an interest in the School and desiring to contribute to its work. The
31 members of the Advisory Council shall be appointed by the Board of Governors for
32 four-year terms. No person shall be eligible to serve more than two successive four-year
33 terms. The Advisory Council shall give advice and counsel to the Director and the
34 Board of Trustees."

35 Sec. 6. G.S. 143B-426.9 reads as rewritten:

36 **"§ 143B-426.9. North Carolina Agency for Public Telecommunications – creation;
37 membership; appointments, terms and vacancies; officers; meetings and
38 quorum; compensation.**

39 The North Carolina Agency for Public Telecommunications is created. It is
40 governed by the Board of Public Telecommunications Commissioners, composed of 27
41 members as follows:

- 42 (1) A Chairman appointed by, and serving at the pleasure of, the
43 Governor;

- 1 (2) Ten at-large members, appointed by the Governor from the general
2 public;
- 3 (3) Two members appointed by the General Assembly upon the
4 recommendation of the Speaker of the House of Representatives in
5 accordance with G.S. 120-121;
- 6 (4) Two members appointed by the General Assembly upon the
7 recommendation of the President of the Senate in accordance with
8 G.S. 120-121;
- 9 (5) The Secretary of Administration, ex officio;
- 10 (6) The Chairman of the Board of Trustees of The University of North
11 Carolina Center for Public Television (if and when established), ex
12 officio;
- 13 (7) The ~~Chairman~~ Vice-chairman of the State Board of Education, ex
14 officio;
- 15 (8) The Chairman of the OPEN/net Committee, ex officio, so long as such
16 person is not a State employee;
- 17 (9) The Chairman of the North Carolina Utilities Commission, ex officio;
- 18 (10) The Director of the Public Staff of the North Carolina Utilities
19 Commission, ex officio;
- 20 (11) The Chairman of the Public Radio Advisory Committee of the North
21 Carolina Agency for Public Telecommunications, ex officio;
- 22 (12) The Superintendent of Public Instruction, ex officio;
- 23 (13) The President of the University of North Carolina, ex officio;
- 24 (14) The President of the Department of Community Colleges, ex officio;
25 and
- 26 (15) Two members ex officio who shall rotate from among the remaining
27 heads of departments enumerated in G.S. 143A-11 or G.S. 143B-6,
28 appointed by the Governor.

29 The 10 at-large members shall serve for terms staggered as follows: four terms shall
30 expire on June 30, 1980; and three terms shall expire on June 30, 1982; and three terms
31 shall expire on June 30, 1984. Thereafter, the members at large shall be appointed for
32 full four-year terms and until their successors are appointed and qualified. In making
33 appointments of members at large, the Governor shall seek to appoint persons from the
34 various geographic areas of the State including both urban and rural areas; persons from
35 various classifications as to sex, race, age, and handicapped persons; and persons who
36 are representatives of the public broadcast, commercial broadcast, nonbroadcast
37 distributive systems and private education communities of the State.

38 The terms of the ex officio members are coterminous with their respective terms of
39 office. In the event that any of the offices represented on the Board ceases to exist, the
40 successor officer to the designated member shall become an ex officio member of the
41 Board; if there shall be no successor, then the position on the Board shall be filled by a
42 member to be appointed by the Governor from the general public. The ex officio
43 members shall have the right to vote.

1 The initial members appointed to the Board by the General Assembly shall serve for
2 terms expiring June 30, 1983. Thereafter, their successors shall serve for two-year terms
3 beginning July 1 of odd-numbered years.

4 The terms of the rotating ex officio members shall be of one-year duration, and the
5 schedule of rotation is determined by the Governor.

6 Each State official who serves on the Board may designate a representative of his
7 department, agency or institution to sit in his place on the Board and to exercise fully
8 the official's privileges of membership.

9 The Secretary of Administration or his designee serves as secretary of the Board.

10 Vacancies in appointments made by the General Assembly shall be filled in
11 accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the
12 original appointment.

13 The Governor may remove any member of the Board from office in accordance with
14 the provisions of G.S. 143B-16.

15 The Board meets quarterly and at other times at the call of the chairman or upon
16 written request of at least six members.

17 A majority of the Board members shall constitute a quorum for the transaction of
18 business."

19 Sec. 7. This act is effective upon ratification.