

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 392
HOUSE BILL 284

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE EDUCATIONAL LEADERSHIP TASK FORCE AND THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO ESTABLISH AN INDEPENDENT STANDARDS BOARD FOR SCHOOL ADMINISTRATION AND TO ALLOW THAT BOARD TO CHARGE EXAMINATION FEES.

Whereas, the Educational Leadership Task Force established by the 1991 General Assembly has completed its work and reported to the Joint Legislative Education Oversight Committee of the General Assembly; and

Whereas, the Joint Legislative Education Oversight Committee approved the recommendations of the Educational Leadership Task Force for submission to the General Assembly; and

Whereas, the Educational Leadership Task Force recommended and the Joint Legislative Education Oversight Committee found that the establishment of an independent professional standards board for school administrators will improve the practice of school administration; Now, therefore,

The General Assembly of North Carolina enacts:

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

"ARTICLE 19A.

"Standards Board for Public School Administration.

"§ 115C-290.1. Purpose.

As the profession of public school administration significantly affects the lives of the people of this State, it is the purpose of this Article to protect the public by setting high standards for the qualifications, training, and experience of those who seek to represent themselves to the public as qualified public school administrators.

"§ 115C-290.2. Definitions.

The following definitions apply in this Article:

- (1) Board. – The North Carolina Standards Board for Public School Administration.
- (2) Exam. – The North Carolina Public School Administrator Exam.
- (3) School administrator. – Public school superintendents, deputy superintendents, associate superintendents, assistant superintendents, principals, and assistant principals.

"§ 115C-290.3. False representation of qualifications prohibited.

It is unlawful for a person whom the Board has not qualified for certification as a public school administrator to represent himself or herself as having been qualified by the Board or to hold himself or herself out to the public by any title or description denoting that he or she has been qualified by the Board. A person who violates this section is guilty of a misdemeanor and is punishable by imprisonment for up to six months, a fine of up to two hundred dollars (\$200.00), or both.

"§ 115C-290.4. North Carolina Standards Board for Public School Administration; appointments; terms; composition.

(a) The North Carolina Standards Board for Public School Administration is created. The Board shall be located for administrative purposes in the Office of the Governor. The Board shall exercise its powers independently of that Office.

(b) The Board shall consist of seven members appointed by the Governor as follows:

- (1) Two local superintendents employed by a local school administrative unit.
- (2) Three principals employed by a local school administrative unit.
- (3) One dean of a school of education or a designee.
- (4) One representative of the public at large.

Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State. Members of the Board shall be residents of the State and shall each reside in a different congressional district.

With the exception of the member representing the public at large, each member must be qualified under this Article, and must be actively engaged in the practice of public school administration or in the education and training of students in public school administration. Before their appointment to the Board, these professional Board members must have been actively engaged in the practice of public school administration or in the education and training of students in public school administration for at least three years, at least two of which occurred primarily in this State.

(c) The Governor may only remove a member of the Board for neglect of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

(d) Effective July 1, 1993, the Governor shall appoint one superintendent, two principals, and the dean of a school of education for terms of three years, and one superintendent, one principal, and the representative of the public for terms of two years. Thereafter the terms shall be for three years. Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. No member shall serve more than two consecutive three-year terms. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(e) Members of the Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Article, at the rates prescribed in G.S. 93B-5.

(f) The Board shall elect from its membership a chairperson, a vice-chairperson, and a secretary-treasurer, and adopt rules to govern its proceedings. All members are voting members, and a majority of the membership constitutes a quorum.

(g) The Board may employ, subject to Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Board.

"§ 115C-290.5. Powers and duties of the Board; development of the North Carolina Public School Administrator Exam.

(a) The Board shall administer this Article. In fulfilling this duty, the Board shall:

- (1) Develop and implement a North Carolina Public School Administrator Exam, based on the professional standards established by the Board.
- (2) Establish and collect an application fee not to exceed fifty dollars (\$50.00), and an exam fee not to exceed one hundred fifty dollars (\$150.00). Fees collected under this Article shall be credited to the General Fund as nontax revenue.
- (3) Review the educational achievements of an applicant to take the exam to determine whether the achievements meet the requirements set by G.S. 115C-290.7.
- (4) Notify the State Board of Education of the names and addresses of the persons who passed the exam and are thereby qualified to be certified as public school administrators by the State Board of Education.
- (5) Maintain accounts and records in accordance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.
- (6) Adopt rules in accordance with Chapter 150B of the General Statutes to implement this Article.
- (7) Submit an annual report by March 1 of each year to the Joint Legislative Education Oversight Committee of its activities during the preceding year, together with any recommendations and findings regarding improvement of the profession of public school administration.

(b) The Board may adopt a seal and affix it to any documents issued by the Board.

"§ 115C-290.6. Application for qualification by the Board.

An individual who seeks to be qualified by the Board as a public school administrator, thereby becoming eligible for certification by the State Board of Education, shall file a written application with the Board. The application must be on a form provided by the Board, must be accompanied by the required application and exam fees established by the Board, and must include any information required by the Board.

"§ 115C-290.7. Qualification by the Board.

(a) The Board shall qualify an individual who submits a complete application to the Board and satisfies all of the following requirements:

- (1) Pays the application fee established by the Board.
- (2) Pays the exam fee established by the Board.

(3) Has a bachelors degree from an accredited college or university and has a graduate degree from a public school administration program that meets the public school administrator program approval standards set by the State Board of Education.

(4) Passes the exam.

(b) The State Board of Education may not certify an individual as a public school administrator unless it has received notice from the Board of the individual's qualification under this Article.

"§ 115C-290.8. Exemptions from qualification requirements.

The qualification requirements of this Article do not apply to a person who, at any time during the five years preceding January 1, 1997, was engaged in public school administration at either a public school in North Carolina or a school in North Carolina operated by the United States government. A person who is exempt from the qualification requirements of this Article but applies for qualification under this Article is subject to it.

"§ 115C-290.9. Grounds for refusal to qualify a person.

The Board may, in accordance with Chapter 150B of the General Statutes, refuse to qualify a person for certification by the State Board of Education for any of the following reasons:

- (1) Submitting a false application for qualification or otherwise attempting to obtain qualification by fraud or misrepresentation.
- (2) Failure to meet the requirements set in G.S. 115C-290.7.
- (3) Violating a provision of this Article or a rule adopted by the Board."

Sec. 2. G.S. 115C-284(c) reads as rewritten:

"(c) The State Board of Education shall have entire control of certifying all applicants for supervisory and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes. ~~Provided, that the~~ The State Board of Education shall require each applicant for an initial certificate or graduate certificate, other than an applicant who is qualified under Article 19A of this Chapter, to demonstrate his academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose. ~~Provided, further, that in the event~~ purpose. If the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972. ~~Provided, further, that the~~ 1972. The Board may not require an applicant who is qualified under Article 19A of this Chapter to take an additional exam to demonstrate academic competence. The Board shall not issue provisional certificates for principals and assistant principals."

Sec. 3. The North Carolina Standards Board for Public School Administration, established in Section 1 of this act, shall submit its first report to the Joint Legislative Education Oversight Committee no later than March 1, 1994.

Sec. 4. By August 1, 1994, the State Board of Education shall report to the Joint Legislative Education Oversight Committee on the issue of the qualification and certification of public school administrators. The report shall include recommendations on whether a system of licensing public school administrators rather than qualifying and certifying public school administrators should be implemented. The report shall also include any changes that need to be made to the statutes to clarify the relationship between qualification and certification of public school administrators.

Sec. 5. G.S. 115C-290.3 and G.S. 115C-290.6 through G.S. 115C-290.10, as established in Section 1 of this act, become effective January 1, 1997. The remaining provisions of Article 19A of Chapter 115C, as established in Section 1 of this act, and the remaining sections of this act are effective upon ratification. Notwithstanding G.S. 115C-290.4, members appointed to the North Carolina Standards Board for Public School Administration before January 1, 1997, are not required to be qualified under Article 19A of Chapter 115C of the General Statutes, as enacted by this act.

In the General Assembly read three times and ratified this the 19th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives