

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 28

Education/Higher Education Committee Substitute Adopted 4/8/93

Constitution and Election Laws Committee Substitute Adopted 4/22/93

House Committee Substitute Favorable 6/29/94

Short Title: School Governance Changes.

(Public)

Sponsors:

Referred to:

February 1, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO STREAMLINE EDUCATION GOVERNANCE AND TO CLARIFY WHO SHALL BE RESPONSIBLE FOR THE SUPERVISION AND ADMINISTRATION OF THE FREE PUBLIC SCHOOL SYSTEM BY VESTING IN THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE POWER AND DUTY TO SUPERVISE AND ADMINISTER THE FREE PUBLIC SCHOOL SYSTEM AFTER CONSULTATION WITH THE STATE BOARD OF EDUCATION, TO PROVIDE THAT THE MEMBERS OF THE STATE BOARD OF EDUCATION SHALL BE APPOINTED FROM THE STATE'S CONGRESSIONAL DISTRICTS FOR TERMS OF FOUR YEARS AND TO REQUIRE THAT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE REPORT TO THE 1995 GENERAL ASSEMBLY SO THAT IT MAY CONSIDER CORRESPONDING STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Article IX of the Constitution reads as rewritten:

"Sec. 4. State Board of Education.

(1) **Board.** The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and ~~eleven~~ members appointed by the Governor, ~~subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed Governor from each of the eight educational districts and three shall be appointed~~

1 ~~from the State at large. State's congressional districts~~ Appointments shall be for overlapping
2 terms of eight-four years. Appointments to fill vacancies shall be made by the Governor
3 for the unexpired terms and shall not be subject to confirmation. terms. The General
4 Assembly may provide by statute for any qualifications of Board members and any
5 limitation on the number of terms a member may serve on the Board.

6 (2) ~~Superintendent of Public Instruction.~~ ~~The Superintendent of Public~~
7 ~~Instruction shall be the secretary and chief administrative officer of the State Board of~~
8 ~~Education.~~ **Duty to advise the Superintendent.** The State Board of Education shall
9 advise the Superintendent of Public Instruction on the supervision and administration of
10 the free public school system."

11 Sec. 2. Section 5 of Article IX of the Constitution reads as rewritten:

12 **"Sec. 5. Powers and duties of Board. ~~the Superintendent of Public Instruction.~~**

13 The Superintendent, after consultation with the State Board of Education ~~Education,~~
14 shall supervise and administer the free public school system and the educational funds
15 provided for its support, except the funds mentioned in Section 7 of this Article, and
16 shall make all needed rules and regulations in relation thereto, subject to laws enacted
17 by the General Assembly."

18 ♦ Sec. 3. G.S. 120-123 is amended by adding a new subdivision to read:

19 **"(63) The State Board of Education, as established in G.S. 115C-10."**

20 Sec. 4. The amendments set out in Sections 1 and 2 of this act shall be
21 submitted to the qualified voters of the State at an election to be held at the same time as
22 the next statewide primary, general, or special election, whichever occurs first, which
23 election shall be conducted under the laws then governing elections in the State. At that
24 election, each qualified voter desiring to vote shall be provided a ballot on which shall
25 be printed the following:

26 FOR constitutional amendments to vest in the Superintendent of
27 Public Instruction the power and duty to supervise and administer the
28 free public school system, to make the State Board of Education an
29 advisory board, to provide that the members of the State Board of
30 Education shall be appointed from the State's congressional districts
31 for terms of four years, and to delete provisions making the
32 Superintendent the secretary and chief administrative officer to the
33 State Board of Education.

34 AGAINST constitutional amendments to vest in the Superintendent of
35 Public Instruction the power and duty to supervise and administer the
36 free public school system, to make the State Board of Education an
37 advisory board, to provide that the members of the State Board of
38 Education shall be appointed from the State's congressional districts
39 for terms of four years, and to delete provisions making the
40 Superintendent the secretary and chief administrative officer to the
41 State Board of Education."

42 Those qualified voters favoring the amendments set out in Sections 1 and 2
43 of this act shall vote by making an "X" or a check mark in the square beside the
44 statement beginning "FOR", and those qualified voters opposed to those amendments

1 shall vote by making an "X" or check mark in the square beside the statement beginning
2 "AGAINST".

3 Notwithstanding the foregoing provisions of this section, voting machines
4 may be used in accordance with rules prescribed by the State Board of Elections.

5 Sec. 5. If a majority of votes cast thereon are in favor of the amendments set
6 out in Sections 1 and 2 of this act, the State Board of Elections shall certify the
7 amendments to the Secretary of State, who shall enroll the amendments so certified
8 among the permanent records of his office, and the amendments shall become effective
9 July 1, 1995.

10 Sec. 6. If the constitutional amendments set out in Sections 1 and 2 of this act
11 are approved by the voters, the Joint Legislative Education Oversight Committee shall
12 prepare for consideration by the 1995 General Assembly no later than February 15,
13 1995, necessary conforming statutory amendments to vest in the Superintendent of
14 Public Instruction the power and duty to supervise and administer the free public school
15 system, to make the State Board of Education an advisory board, to provide that the
16 members of the State Board of Education shall be appointed from the State's
17 congressional districts for terms of four years, to provide for the transition from the
18 former system of appointment of State Board of Education members to the system
19 provided for in Section 1 of this act, and to repeal provisions making the Superintendent
20 the secretary and chief administrative officer to the State Board of Education.

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