

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 452*

Short Title: School Administration Standards Board.

(Public)

Sponsors: Senators Warren, Speed, Lee, Ward; and Allran.

Referred to: Hold for New Licensing Rept. (G.S. 120-149).

March 3, 1993

A BILL TO BE ENTITLED

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 is amended by adding a new Article to read:

"ARTICLE 19A.

"PROFESSIONAL STANDARDS BOARD FOR SCHOOL ADMINISTRATORS.

"§ 115C-290.1. Purpose.

As the profession of 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 standards for the qualification, training, and experience for those who seek to represent

1 themselves to the public as qualified school administrators and by promoting high
2 standards of professional performance for those engaged in the practice of school
3 administration.

4 **"§ 115C-290.2. Prohibitions.**

5 Except as otherwise provided in this Article, it is unlawful for any person who is not
6 qualified as a school administrator under this Article to represent himself or herself to
7 be qualified under this Article or hold himself or herself out to the public by any title or
8 description denoting that he or she is qualified under this Article.

9 **"§ 115C-290.3. North Carolina Standards Board for School Administration;
10 appointments; terms; composition.**

11 (a) For the purpose of carrying out the provisions of this Article, there is hereby
12 created the North Carolina Standards Board for School Administration which shall
13 consist of seven members appointed by the Governor as follows:

14 (1) At least two members of the Board shall be local superintendents
15 currently employed by a local school administrative unit, three
16 members shall be principals currently employed by a local school
17 administrative unit, one member shall be a dean of a school of
18 education or a designee, and one member shall be appointed from the
19 public at large. Composition of the Board as to the race and sex of its
20 members shall reflect the composition of the population of the State of
21 North Carolina.

22 (2) All members of the Board shall be residents of the State of North
23 Carolina, and with the exception of the public member, shall be
24 qualified by the Board under the provisions of this Article.
25 Professional members of the Board must be actively engaged in the
26 practice of school administration or in the education and training of
27 students in school administration, and have been for at least three years
28 prior to their appointment to the Board. Such activity during the two
29 years preceding the appointment shall have occurred primarily in this
30 State.

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

33 (c) The term of office of each member of the Board shall be three years. No
34 member shall serve more than two consecutive three-year terms. Each term of service
35 on the Board shall expire on the 30th day of June of the year in which the term expires.
36 As the term of a member expires, the Governor shall make the appointment for a full
37 term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired
38 term.

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

42 (e) The Board may employ, subject to the provisions of Article 126 of the
43 General Statutes, the necessary personnel for the performance of its functions, and fix
44 their compensation within the limits of funds available to the Board.

1 (f) Notwithstanding G.S. 93B-7, the Governor may provide office space to the
2 Board.

3 **"§ 115C-290.4. Functions and duties of the Board; development of the North**
4 **Carolina School Administrator Exam.**

5 (a) The Board shall administer and enforce the provisions of this Article.

6 (b) The Board shall elect from its membership a chairperson, a vice-chairperson,
7 and a secretary-treasurer, and adopt rules to govern its proceedings. A majority of the
8 membership shall constitute a quorum for all Board meetings.

9 (c) The Board shall develop and implement a North Carolina School
10 Administrator Exam. The Board shall examine and pass on the qualifications of all
11 persons applying to sit for the exam. Notwithstanding any other provision of this
12 Chapter, after January 1, 1997, a passing score on the administrator exam developed by
13 the Board is a requirement for all persons hired to serve as school administrators for the
14 first time in North Carolina, and only those persons who successfully pass the North
15 Carolina School Administrator Exam shall be eligible to receive initial school
16 administrator certification by the State Board of Education.

17 (d) The Board shall notify the State Board of Education of the names and
18 addresses of persons who successfully pass the North Carolina School Administrator
19 Exam.

20 (e) The Board may adopt a seal which may be affixed to any documents issued
21 by the Board.

22 (f) The Board may authorize expenditures deemed necessary to carry out the
23 provisions of this Article from the fees which it collects, but in no event shall
24 expenditures exceed the revenues of the Board during any fiscal year. Effective July 1,
25 1997, State appropriations shall not be subject to the administration of the Board.

26 (g) Effective January 1, 1997, the Board shall establish and receive fees not to
27 exceed fifty dollars (\$50.00) to apply to sit for the Board exam, and not to exceed one
28 hundred fifty dollars (\$150.00) for the examination. The Board shall maintain accounts
29 of all its receipts, and make expenditures from Board receipts for any purpose which is
30 reasonable and necessary for the proper performance of its duties under this Article.

31 (h) The Board shall have the power to establish reasonable standards for school
32 administrator qualifications; provided further, that the Board shall not have the power to
33 withhold approval of study or training courses offered by a college or university having
34 a school administrator program approved by the Board of Governors.

35 (i) Subject to the provisions of Chapter 150B of the General Statutes, the Board
36 shall have the power to adopt, amend, or rescind rules and regulations to carry out the
37 purposes of this Article, including, but not limited to, the power to adopt ethical and
38 disciplinary standards.

39 (j) The Board shall be subject to the administrative provisions of Chapter 93B
40 of the General Statutes.

41 **"§ 115C-290.5. Application for qualification by the Board.**

42 Each person desiring to be qualified by the Board shall make application to the
43 Board upon such forms and in such manner as the Board shall prescribe, together with
44 the required application fee established by the Board.

1 **"§ 115C-290.6. Exemption from certain requirements.**

2 Applicants engaged in the practice of school administration in a North Carolina
3 public school or at a school operated by the United States government in North Carolina
4 on and before January 1, 1997, shall be exempt from the examination requirements of
5 this Article.

6 **"§ 115C-290.7. Disciplinary procedures.**

7 The Board may, in accordance with the provisions of Chapter 150B of the General
8 Statutes, refuse to qualify for certification by the State Board of Education any person
9 on the following grounds:

- 10 (1) Conviction of misdemeanor under this Article;
11 (2) Conviction of a felony under the laws of the United States or of any
12 state of the United States;
13 (3) Gross unprofessional conduct, dishonest practice, or incompetence in
14 the practice of school administration;
15 (4) Procuring or attempting to procure qualification by fraud, deceit, or
16 misrepresentation;
17 (5) Any fraudulent or dishonest conduct in school administration;
18 (6) Inability of the person to perform the functions for which he or she
19 seeks to be qualified, or substantial impairment of abilities by reason
20 of physical or mental disability; or
21 (7) Violations of any of the provisions of this Article or of any rules of the
22 Board.

23 **"§ 115C-290.8. Violation a misdemeanor.**

24 Any person violating any provision of this Article is guilty of a misdemeanor and,
25 upon conviction thereof, may be punishable by fine not exceeding two hundred dollars
26 (\$200.00) for the first offense and five hundred dollars (\$500.00) for each subsequent
27 offense, by imprisonment of not more than six months, or by both such fine and
28 imprisonment.

29 **"§ 115C-290.9. Injunction.**

30 As an additional remedy, the Board may proceed in a superior court to enjoin and
31 restrain any person from violating the prohibitions of this Chapter. The Board shall not
32 be required to post bond in connection with such proceeding."

33 Sec. 2. The Board shall report to the to the Joint Legislative Education
34 Oversight Committee no later than March 1, 1994, and annually thereafter concerning
35 the activities of the Standards Board for School Administrators.

36 Sec. 3. This act shall not become effective unless sufficient funds are
37 appropriated for this purpose. Nothing in this act shall require the General Assembly to
38 appropriate any funds to implement it.

39 Sec. 4. This act is effective upon ratification.