

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 709
Education/Higher Education Committee Substitute Adopted 3/30/05

Short Title: Salary Supplement/Certain Ed. Programs.

(Public)

Sponsors:

Referred to:

March 21, 2005

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND THE SECRETARY OF THE STATE DEPARTMENT OF CORRECTION TO SET THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT PROGRAMS OPERATED BY THEIR DEPARTMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-146.21 is amended by adding a new subsection to read:

"(e) The Secretary of Health and Human Services, in consultation with the Office of State Personnel, shall set the salary supplement paid to personnel who are employed in the programs operated by the Department of Health and Human Services and are licensed by the State Board of Education. The salary supplement shall be at least five percent (5%)."

SECTION 2. G.S. 143B-516(b) reads as rewritten:

"(b) The Secretary shall have the following powers and duties:

(1) Give leadership to the implementation as appropriate of State policy that requires that youth development centers be phased out as populations diminish.

(2) Close a State youth development center when its operation is no longer justified and transfer State funds appropriated for the operation of that youth development center to fund community-based programs, to purchase care or services for predelinquents, delinquents, or status offenders in community-based or other appropriate programs, or to improve the efficiency of existing youth development centers, provided the Advisory Budget Commission reviews this action.

- 1 (3) Administer a sound admission or intake program for juvenile facilities,
2 including the requirement of a careful evaluation of the needs of each
3 juvenile prior to acceptance and placement.
- 4 (4) Operate juvenile facilities and implement programs that meet the needs
5 of juveniles receiving services and that assist them to become
6 productive, responsible citizens.
- 7 (5) Adopt rules to implement this Article and the responsibilities of the
8 Secretary and the Department under Chapter 7B of the General
9 Statutes. The Secretary may adopt rules applicable to local human
10 services agencies providing juvenile court and delinquency prevention
11 services for the purpose of program evaluation, fiscal audits, and
12 collection of third-party payments.
- 13 (6) Ensure a statewide and uniform system of juvenile intake, protective
14 supervision, probation, and post-release supervision services in all
15 district court districts of the State. The system shall provide
16 appropriate, adequate, and uniform services to all juveniles who are
17 alleged or found to be undisciplined or delinquent.
- 18 (7) Establish procedures for substance abuse testing for juveniles
19 adjudicated delinquent for substance abuse offenses.
- 20 (8) Plan, develop, and coordinate comprehensive multidisciplinary
21 services and programs statewide for the prevention of juvenile
22 delinquency, early intervention, and rehabilitation of juveniles.
- 23 (9) Develop standards, approve yearly program evaluations, and make
24 recommendations based on the evaluations to the General Assembly
25 concerning continuation funding.
- 26 (10) Collect expense data for every program operated and contracted by the
27 Department.
- 28 (11) Develop a formula for funding, on a matching basis, juvenile court and
29 delinquency prevention services as provided for in this Article. This
30 formula shall be based upon the county's or counties' relative ability to
31 fund community-based programs for juveniles.
- 32 Local governments receiving State matching funds for programs
33 under this Article must maintain the same overall level of effort that
34 existed at the time of the filing of the county assessment of juvenile
35 needs with the Department.
- 36 (12) Assist local governments and private service agencies in the
37 development of juvenile court services and delinquency prevention
38 services and provide information on the availability of potential
39 funding sources and assistance in making application for needed
40 funding.
- 41 (13) Develop and administer a comprehensive juvenile justice information
42 system to collect data and information about delinquent juveniles for
43 the purpose of developing treatment and intervention plans and

- 1 allowing reliable assessment and evaluation of the effectiveness of
2 rehabilitative and preventive services provided to delinquent juveniles.
- 3 (14) Coordinate State-level services in relation to delinquency prevention
4 and juvenile court services so that any citizen may go to one place in
5 State government to receive information about available juvenile
6 services.
- 7 (15) Appoint the chief court counselor in each district upon the
8 recommendation of the chief district court judge of that district.
- 9 (16) Develop a statewide plan for training and professional development of
10 chief court counselors, court counselors, and other personnel
11 responsible for the care, supervision, and treatment of juveniles. The
12 plan shall include attendance at appropriate professional meetings and
13 opportunities for educational leave for academic study.
- 14 (17) Study issues related to qualifications, salary ranges, appointment of
15 personnel on a merit basis, including chief court counselors, court
16 counselors, secretaries, and other appropriate personnel, at the State
17 and district levels in order to adopt appropriate policies and procedures
18 governing personnel.
- 19 (17a) Set, in consultation with the Office of State Personnel, the salary
20 supplement paid to personnel who are employed at juvenile facilities
21 and are licensed by the State Board of Education. The salary
22 supplement shall be at least five percent (5%).
- 23 (18) Designate persons, as necessary, as State juvenile justice officers, to
24 provide for the care and supervision of juveniles placed in the physical
25 custody of the Department."

26 **SECTION 3.** G.S. 148-22.1 reads as rewritten:

27 **"§ 148-22.1. Educational facilities and programs for selected inmates.**

28 (a) The State Department of Correction is authorized to take advantage of aid
29 available from any source in establishing facilities and developing programs to provide
30 inmates of the State prison system with such academic and vocational and technical
31 education as seems most likely to facilitate the rehabilitation of these inmates and their
32 return to free society with attitudes, knowledge, and skills that will improve their
33 prospects of becoming law-abiding and self-supporting citizens. The State Department
34 of Public Instruction is authorized to cooperate with the State Department of Correction
35 in planning academic and vocational and technical education of prison system inmates,
36 but the State Department of Public Instruction is not authorized to expend any funds in
37 this connection.

38 (b) In expending funds that may be made available for facilities and programs to
39 provide inmates of the State prison system with academic and vocational and technical
40 education, the State Department of Correction shall give priority to meeting the needs of
41 inmates who are less than 21 years of age when received in the prison system with a
42 sentence or sentences under which they will be held for not less than six months nor
43 more than five years before becoming eligible to be considered for a parole or
44 unconditional release. These inmates shall be given appropriate tests to determine their

1 educational needs and aptitudes. When the necessary arrangements can be made, they
2 shall receive such instruction as may be deemed practical and advisable for them.

3 (c) The Secretary of Correction, in consultation with the Office of State
4 Personnel, shall set the salary supplement paid to personnel who are Division of Prison
5 employees that serve in youth facilities and are licensed by the State Board of
6 Education. The salary supplement shall be at least five percent (5%)."

7 **SECTION 4.** This act becomes effective July 1, 2005.