

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 2490*

Short Title: Study/DPI & St. Bd. of Education. (Public)

Sponsors: Representatives Yongue, Glazier, McLawhorn, Johnson (Primary Sponsors); Alexander, Allred, Avila, Barnhart, Bell, Blackwood, Blue, Blust, Boylan, Braxton, Brisson, Brown, Brubaker, Bryant, Carney, Church, Cleveland, Coates, Cole, Coleman, Cotham, Crawford, Current, Daughtridge, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Furr, Gibson, Gillespie, Goforth, Grady, Gulley, Haire, Hall, T. Harrell, J. Harrell, Harrison, Hill, Hilton, Holliman, Holloway, Holmes, Howard, Hughes, Hurley, Insko, Jeffus, Jones, Justice, Justus, Killian, Kiser, Langdon, Lewis, Love, Lucas, Luebke, Martin, McAllister, McComas, McElraft, McGee, Michaux, Mobley, Neumann, Owens, Pate, Pierce, Rapp, Ray, Ross, Samuelson, Setzer, Spear, Stam, Starnes, Steen, Stiller, Tarleton, Thomas, Tillis, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, E. Warren, R. Warren, Weiss, West, Wiley, Wilkins, Williams, Womble, and Wray.

Referred to: Education, if favorable, Appropriations.

May 26, 2008

A BILL TO BE ENTITLED

1 AN ACT CREATING THE LEGISLATIVE SPECIAL COMMISSION ON THE
2 EFFICIENCY AND EFFECTIVENESS OF THE DEPARTMENT OF PUBLIC
3 INSTRUCTION AND THE STATE BOARD OF EDUCATION AND
4 APPROPRIATING FUNDS FOR THAT PURPOSE AS RECOMMENDED BY
5 THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** There is hereby created the Legislative Special Commission on
9 Efficiency and Effectiveness of the Department of Public Instruction and the State
10 Board of Education. The purpose of the Commission is to review the mission, structure,
11 programs, budgets, accountability, efficiency, and effectiveness of the Department of
12 Public Instruction and the State Board of Education.

13 **SECTION 2.** The Commission shall consist of five members of the House of
14 Representatives appointed by the Speaker of the House of Representatives and five
15 members of the Senate appointed by the President Pro Tempore of the Senate. The
16 Speaker of the House of Representatives shall designate one representative as cochair,
17 and the President Pro Tempore of the Senate shall designate one senator as cochair.
18 Vacancies on the Commission shall be filled by the same appointing authority as made
19 the initial appointment.

1 The appointments shall be made, and the Commission shall begin its work
2 prior to September 1, 2008.

3 **SECTION 3.** In performing the legislative review of the Department of
4 Public Instruction and the State Board of Education, the Commission shall:

5 (1) Consider the mission of the Department to support local educational
6 agencies in their efforts to provide high-quality educational services
7 and foster high student performance and achievement, as set out in the
8 statutes and in the rules, policies, and practices of the Department.

9 (2) Evaluate the efficiency and effectiveness of the Department of Public
10 Instruction in furthering the missions and goals of the Department,
11 including any proposed revisions. This evaluation shall include (i) the
12 role of the Department of Public Instruction, its administrative
13 structure, organization, accountability, and its statutory powers and
14 duties; (ii) the role of the State Board of Education as the head of the
15 Department of Public Instruction, its composition, organization,
16 independence, representation of local education agencies and the
17 citizens of the State on the State Board of Education, and
18 constitutional and statutory powers and duties; and (iii) the role of the
19 State Superintendent as secretary and chief administrative officer of
20 the State Board, the State Superintendent's selection, and the State
21 Superintendent's constitutional and statutory powers and duties,
22 including the election or appointment of the State Superintendent.

23 (3) Evaluate the efficiency and effectiveness of the statewide student
24 testing program, the data collection and data management program, the
25 curriculum and instruction program, the financial services program,
26 the school support services program, and any other program within the
27 Department that has an impact on student performance and positive
28 educational outcomes.

29 (4) Assess the activities performed in each program, the major benefits
30 provided by the program, the current funding and staffing levels for
31 the program, the rationale for the funding and staffing levels, and the
32 administrative and other overhead costs of the program.

33 (5) Determine the appropriate level of funding and staff necessary to
34 accomplish the goals and missions of the Department.

35 **SECTION 4.** The Commission, while in the discharge of its official duties,
36 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
37 G.S. 120-19.4. The Commission may meet at any time upon the joint call of the
38 cochairs. The Commission may meet in the Legislative Building or the Legislative
39 Office Building.

40 The Legislative Services Commission, through the Legislative Services
41 Officer, shall assign professional staff to assist the Commission in its work. The House
42 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to
43 the Commission, and the expenses relating to the clerical employees shall be borne by
44 the Commission. The Commission may contract for professional, clerical, or consultant

1 services as provided by G.S. 120-32.02. If the Commission hires a consultant, the
2 consultant shall not be a State employee or a person currently under contract with the
3 State to provide services.

4 All State departments and agencies and local governments and their
5 subdivisions shall furnish the Commission with any information in their possession or
6 available to them.

7 **SECTION 5.** The Commission shall report the results of its study and its
8 recommendations to the 2009 General Assembly upon its convening and to the Joint
9 Legislative Education Oversight Committee. The Commission shall terminate upon
10 filing its final report or upon the convening of the 2009 General Assembly, whichever is
11 earlier.

12 **SECTION 6.** There is appropriated from the General Fund to the General
13 Assembly the sum of one hundred thousand dollars (\$100,000) for the 2008-2009 fiscal
14 year for the expenses of the Legislative Special Commission on Efficiency and
15 Effectiveness of the Department of Public Instruction and the State Board of Education.

16 **SECTION 7.** This act becomes effective July 1, 2008.