

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 823
Committee Substitute Favorable 5/24/11

Short Title: Governance of the Dep't of Public Instruction.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE
3 SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF AND CHAIR OF
4 THE STATE BOARD OF EDUCATION, TO REQUIRE THE SUPERINTENDENT OF
5 PUBLIC INSTRUCTION TO MAKE ALL STATE-LEVEL APPOINTMENTS
6 NECESSARY FOR SUPERVISION AND ADMINISTRATION OF THE FREE PUBLIC
7 SCHOOLS, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF
8 EDUCATION TO INCLUDE AN ADDITIONAL AT-LARGE MEMBER, TO REQUIRE
9 THE GENERAL ASSEMBLY TO ELECT ALL AT-LARGE MEMBERS, AND TO
10 CREATE A SIX-YEAR TERM OF OFFICE FOR STATE BOARD OF EDUCATION
11 MEMBERS.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** Section 4 of Article IX of the North Carolina Constitution reads as
14 rewritten:

15 **"Sec. 4. State Board of Education.**

16 (1) Board. The State Board of Education shall consist of the Superintendent of Public
17 Instruction, the Lieutenant Governor, the Treasurer, and eleven-eight members appointed by the
18 Governor, subject to confirmation by the General Assembly in joint session, and four members
19 elected by the General Assembly.

20 The General Assembly shall divide the State into eight educational districts. Of the
21 ~~appointive~~ members of the Board, Board appointed by the Governor, one shall be appointed
22 from each of the eight educational districts and three shall be appointed from the State at
23 large districts. Appointments by the Governor shall be subject to confirmation by the General
24 Assembly in joint session.

25 Of the members of the Board elected by the General Assembly, two members shall be
26 elected by the House of Representatives, and two members shall be elected by the Senate.

27 ~~Appointments shall be for overlapping terms of eight years. Members of the Board~~
28 appointed by the Governor and members of the Board elected by the General Assembly shall
29 serve overlapping terms of six years. Appointments to fill vacancies shall be made by the
30 Governor for the unexpired terms and Vacancies shall be filled by the appointing or electing
31 authority for the unexpired term. Appointments made by the Governor to fill vacancies shall
32 not be subject to confirmation.

33 (2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall
34 be the ~~secretary~~ chair and chief administrative officer of the State Board of
35 ~~Education.~~ Education, and shall make all appointments of administrative and supervisory
36 personnel at the State level necessary for administration and supervision of the free public
37 school system."



1 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
2 the qualified voters of the State at a statewide election to be conducted on May 8, 2012, which
3 election shall be conducted under the laws then governing elections in the State. Ballots, voting
4 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
5 question to be used in the voting systems and ballots shall be:

6 " FOR AGAINST

7 Constitutional amendments to make the Superintendent of Public Instruction a
8 member of and chair of the State Board of Education, to require the Superintendent of Public
9 Instruction to appoint all State-level personnel necessary for administration and supervision of
10 public schools, to add a fourth at-large appointment to the State Board of Education and to
11 require the General Assembly to elect all at-large appointments, and to reduce the term of
12 office for State Board of Education members to six years."

13 **SECTION 3.** If a majority of votes cast on the question are in favor of the
14 amendments set out in Section 1 of this act, the State Board of Elections shall certify the
15 amendments to the Secretary of State. The Secretary of State shall enroll the amendments so
16 certified among the permanent records of that office. The amendments set out in Section 1 of
17 this act become effective January 1, 2013.

18 **SECTION 4.** This act is effective when it becomes law.