

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1125\*

Short Title: Misc. Education Changes.

(Public)

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Sponsors: Senators Lucas, Winner, Lee; Allran, Dalton, Dannelly, Forrester, Foxx, Gulley, Hoyle, Kinnaird, Martin of Guilford, Rucho, Shaw of Cumberland, and Weinstein.

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Referred to: Education/Higher Education.

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May 14, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE  
3 EDUCATION OVERSIGHT COMMITTEE TO AMEND VARIOUS EDUCATION  
4 LAWS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-102.5(b) reads as rewritten:

7 "(b) The Commission shall consist of the following 18 members:

- 8 (1) The State Superintendent of Public Instruction or a designee;  
9 (2) One representative of The University of North Carolina, appointed by  
10 the President of The University of North Carolina;  
11 (3) One representative of the North Carolina Community College System,  
12 appointed by the President of the North Carolina Community College  
13 System;  
14 (4) A person with management responsibility concerning information  
15 technology related State Government functions, designated by the  
16 Secretary of Commerce;  
17 (5) Four members appointed by the Governor;

1 (6) Six members appointed by the President Pro Tempore of the Senate two  
2 of whom shall be members of the Senate. One of these six members  
3 shall be appointed by the President Pro Tempore of the Senate to serve  
4 as cochair; and

5 (7) Six members appointed by the Speaker of the House of Representatives  
6 two of whom shall be members of the House of Representatives. One of  
7 these six members shall be appointed by the Speaker of the House of  
8 Representatives to serve as cochair.

9 In appointing members pursuant to subdivisions (5), (6), and (7) of this subsection, the  
10 appointing persons shall select individuals with technical or applied knowledge or  
11 experience in learning and instructional management technologies or individuals with  
12 expertise in curriculum or instruction who have successfully used learning and  
13 instructional management technologies.

14 No producers, vendors, or consultants to producers or vendors of learning or  
15 instructional management technologies shall serve on the Commission.

16 Members shall serve for two-year terms. Vacancies in terms of members shall be  
17 filled by the appointing officer. Persons appointed to fill vacancies shall qualify in the  
18 same manner as persons appointed for full terms."

19 Section 2. G.S. 115C-105.36(b) reads as rewritten:

20 "(b) The State Board shall establish a procedure to allocate the funds for these  
21 awards to the local school administrative units in which the eligible schools are located.  
22 Funds shall become available for expenditure July 1 of each fiscal year. Funds shall  
23 remain available until November 30 of the subsequent fiscal year for expenditure ~~for~~:

24 (1) Awards to the personnel; or

25 (2) ~~The purposes authorized in a plan that has been:~~

26 a. ~~Developed and voted on by the personnel in the same manner~~  
27 ~~that a school improvement plan is approved under G.S. 115C-~~  
28 ~~105.27;~~

29 b. ~~Approved by a majority of the personnel who vote on the plan;~~  
30 ~~and~~

31 e. ~~Submitted to and approved by the local board of education.~~

32 ~~The local board shall approve this plan unless the plan involves~~  
33 ~~expenditures of funds that are not for a public purpose or that are~~  
34 ~~otherwise unlawful. for awards to the personnel that are made within 30~~  
35 ~~days of the local board's receipt of the funds.~~"

36 Section 3. G.S. 115C-244 reads as rewritten:

37 "**§ 115C-244. Assignment of pupils to school buses.**

38 (a) ~~The principal of a school, to which any school bus has been assigned by the~~  
39 ~~superintendent of the schools of the local school administrative unit embracing such~~  
40 ~~school, shall assign to such bus or buses the pupils and employees who may be~~  
41 ~~transported to and from such school upon such bus or buses. The superintendent or~~  
42 ~~superintendent's designee shall assign the pupils and employees who may be transported~~  
43 ~~to and from school upon the bus or buses assigned to each school and shall implement~~

1 and enforce the plan developed under G.S. 115C-246. No pupil or employee shall be  
2 permitted to ride upon any school bus to which such pupil or employee has not been so  
3 assigned by the principal, superintendent or superintendent's designee, except by the  
4 express direction of the principal, superintendent or superintendent's designee.

5 (b) ~~In the event that the superintendent of any local school administrative unit shall~~  
6 ~~assign or superintendent's designee assigns a school bus to be used in the transportation of~~  
7 ~~pupils to two or more schools, the superintendent or superintendent's designee shall~~  
8 ~~designate the number of assign the pupils to be transported to and from each such school~~  
9 ~~by such that bus, and the principals of the respective schools shall assign pupils to such~~  
10 ~~buses in accordance with such designation. implement and enforce this assignment of pupils.~~

11 (c) Any pupil enrolled in any school, or the parent or guardian of any such pupil,  
12 or the person standing in loco parentis to such pupil, may apply to the principal of such  
13 school for transportation of such pupil to and from such school by school bus for the  
14 regularly organized school day. ~~Upon application, the principal.~~ The principal shall deliver  
15 the application to the superintendent or superintendent's designee, who shall assign a  
16 pupil to a school bus if the pupil is entitled to school bus transportation under this Article  
17 and the rules of the State Board of Education. Such assignment shall be made by the  
18 principal, superintendent or superintendent's designee so as to provide for the orderly, safe  
19 and efficient transportation of pupils to such school and so as to promote the orderly and  
20 efficient administration of the school and the health, safety and general welfare of the  
21 pupils to be so transported. Assignments of pupils and employees to school buses may be  
22 changed by the principal of the school, superintendent or superintendent's designee as he  
23 may from time to time find proper for the safe and efficient transportation of such pupils  
24 and employees.

25 (d) The parent or guardian of any pupil enrolled in any school, or the person  
26 standing in loco parentis to any such pupil, who shall apply ~~to the principal of such school~~  
27 under subsection (c) of this section for the transportation of such pupil to and from such  
28 school by school bus, may, if such application is denied, or if such pupil is assigned to a  
29 school bus not satisfactory to such parent, guardian, or person standing in loco parentis to  
30 such pupil, pursuant to rules and regulations established by the local board of education,  
31 apply to such board for such transportation upon a school bus designated in such  
32 application, and shall be entitled to a prompt and fair hearing by such board in  
33 accordance with the rules and regulations established by it. The majority of such board  
34 shall be a quorum for the purpose of holding such hearing and passing upon such  
35 application, and the decision of the majority of the members present at such hearing shall  
36 be the decision of the board. If, at such hearing, the board shall find that pupil is entitled  
37 to be transported to and from such school upon the school bus designated in such  
38 application, or if the board shall find that the transportation of such pupil upon such bus  
39 to and from such school will be for the best interests of such pupil, will not interfere with  
40 the proper administration of such school, or with the safe and efficient transportation by  
41 school bus of other pupils enrolled in such school and will not endanger the health or  
42 safety of the children there enrolled, the board shall direct that such child be assigned to  
43 and transported to such school upon such bus.

1 (e) A decision of a local board under subsection (d) is final and, except as  
2 provided in this subsection, is subject to judicial review in accordance with Article 4 of  
3 Chapter 150B of the General Statutes. A person seeking judicial review shall file a  
4 petition in the superior court of the county where the local board made its decision.

5 (f) No employee shall be assigned to or permitted to ride upon a school bus when  
6 to do so will result in the overcrowding of such bus or will prevent the assignment to  
7 such bus of a pupil entitled to ride thereon, or will otherwise, in the opinion of the  
8 ~~principal, superintendent or superintendent's designee,~~ be detrimental to the comfort or  
9 safety of the pupils assigned to such bus, or to the safe, efficient and proper operation of  
10 such bus."

11 Section 4. G.S. 115C-245 reads as rewritten:

12 **"§ 115C-245. School bus drivers; monitors; safety assistants.**

13 (a) Each local board, which elects to operate a school bus transportation system,  
14 shall employ the necessary drivers for such school buses. The drivers shall have all  
15 qualifications prescribed by the regulations of the State Board of Education herein  
16 provided for and must be at least 18 years old and have at least six months driving  
17 experience as a licensed operator of a motor vehicle before employment as a regular or  
18 substitute driver, but the selection and employment of each driver shall be made by the  
19 local board of education, and the driver shall be the employee of such local school  
20 administrative unit. Each local board of education shall assign the bus drivers employed  
21 by it to the respective schools within the jurisdiction of such board, and the ~~principal of~~  
22 ~~each such school-~~superintendent or superintendent's designee shall assign the drivers to the  
23 school buses to be driven by them. No school bus shall at any time be driven or operated  
24 by any person other than the bus driver assigned ~~by such principal~~ to such bus except by  
25 the express direction of ~~such principal~~ the superintendent or superintendent's designee or  
26 in accordance with rules and regulations of the appropriate local board of education.

27 (b) The driver of a school bus subject to the direction of the ~~principal~~  
28 superintendent or superintendent's designee shall have complete authority over and  
29 responsibility for the operation of the bus and the maintaining of good order and conduct  
30 upon such bus, and shall report promptly to the principal any misconduct upon such bus  
31 or disregard or violation of the driver's instructions by any person riding upon such bus.  
32 The principal may take such action with reference to any such misconduct upon a school  
33 bus, or any violation of the instructions of the driver, as he might take if such misconduct  
34 or violation had occurred upon the grounds of the school.

35 (c) The driver of any school bus shall permit no person to ride upon such bus  
36 except pupils or school employees assigned thereto or persons permitted by the express  
37 direction of the ~~principal~~ superintendent or superintendent's designee to ride thereon.

38 (d) ~~The principal of a school, to which a school bus has been assigned, may, in his~~  
39 ~~discretion, appoint a monitor for any bus so assigned to such school. The superintendent~~  
40 or superintendent's designee may, in his discretion, appoint a monitor for any bus  
41 assigned to any school. It shall be the duty of such monitor, subject to the direction of the  
42 driver of the bus, to preserve order upon the bus and do such other things as may be  
43 appropriate for the safety of the pupils and employees assigned to such bus while

1 boarding such bus, alighting therefrom or being transported thereon, and to require such  
2 pupils and employees to conform to the rules and regulations established by the local  
3 board of education for the safety of pupils and employees upon school buses. Such  
4 monitors shall be unpaid volunteers who shall serve at the pleasure of the ~~principal~~  
5 superintendent or superintendent's designee.

6 (e) A local board of education may, in its discretion within funds available,  
7 employ transportation safety assistants upon recommendation of the principal through the  
8 superintendent. The safety assistants thus employed shall assist the bus drivers with the  
9 safety, movement, management, and care of children boarding the bus, leaving the bus, or  
10 being transported in it. The safety assistant should be either an adult or a certified student  
11 driver who is available as a substitute bus driver."

12 Section 5. G.S. 115C-290.8 reads as rewritten:

13 "**§ 115C-290.8. Exemptions from requirements.**

14 (a) The requirements of this Article do not apply to a person who, at any time  
15 during the five years preceding January 1, 1998, ~~(i) completed an administrative internship~~  
16 ~~as part of an approved graduate program in school administration and obtained an active State~~  
17 ~~administrator/supervisor certificate, (ii) was engaged in school administration while in~~  
18 ~~possession of an active State administrator/supervisor certificate, or (iii) was employed in a~~  
19 ~~North Carolina college or university as an instructor while in possession of an active State~~  
20 ~~administrator/supervisor certificate and whose major responsibilities included the preparation or~~  
21 ~~supervision of individuals enrolled in a public school administration program that meets the~~  
22 ~~public school administrator program approval standards set by the State Board.~~ obtained a State  
23 administrator/supervisor certificate.

24 (b) The State Board may adopt policies governing the requirements for the  
25 certification of individuals who hold a certificate issued in any other state that authorizes  
26 them to be employed as school administrators in that state. These policies may exempt  
27 some or all of these individuals from the requirements of this Article.

28 (c) A person who is exempt from the requirements of this Article but applies to the  
29 Standards Board under this Article shall be subject to the Article."

30 Section 6. G.S. 115C-174.21(b) reads as rewritten:

31 "(b) Competency Testing Program.

32 (1) The State Board of Education shall adopt tests or other measurement  
33 devices which may be used to assure that graduates of the public high  
34 schools and graduates of nonpublic schools supervised by the State  
35 Board of Education pursuant to the provisions of Part 1 of Article 39 of  
36 this Chapter possess the skills and knowledge necessary to function  
37 independently and successfully in assuming the responsibilities of  
38 citizenship.

39 (2) The tests shall be administered annually to all ~~tenth-ninth~~ grade students  
40 in the public schools. Students who fail to attain the required minimum  
41 standard for graduation in the ~~tenth-ninth~~ grade shall be given remedial  
42 instruction and additional opportunities to take the test up to and  
43 including the last month of the twelfth grade. Students who fail to pass

- 1 parts of the test shall be retested on only those parts they fail. Students  
2 in the ~~tenth~~ninth grade who are enrolled in special education programs  
3 or who have been officially designated as eligible for participation in  
4 such programs may be excluded from the testing programs.
- 5 (3) The State Board of Education may develop and validate alternate means  
6 and standards for demonstrating minimum competence. These  
7 standards, which must be more difficult than the tests adopted pursuant  
8 to subdivision (1) of this subsection, may be passed by students in lieu  
9 of the testing requirement of subdivision (2) of this subsection.
- 10 (4) Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 18.14."  
11 Section 7. This act is effective when it becomes law.