

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 823
PROPOSED COMMITTEE SUBSTITUTE H823-CSTC-15 [v.2]

5/10/2011 9:03:03 AM

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

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION THE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO MAKE THE STATE BOARD OF EDUCATION AN ADVISORY BODY, AND TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 4 of Article IX of the North Carolina Constitution reads as rewritten:

"Sec. 4. State Board of Education-Superintendent of Public Instruction.

(1) ~~Board.~~ The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

(2) ~~Superintendent of Public Instruction.~~ The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education. head of the Department of Public Instruction. The Superintendent of Public Instruction shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly."

SECTION 1.(b) Section 5 of Article IX of the North Carolina Constitution reads as rewritten:

"Sec. 5. Powers and duties of Board-State Board of Education.

(1) The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, the Superintendent of Public Instruction, three members appointed by the Governor, four members appointed by the Speaker of the House of Representatives, and four members appointed by the President Pro Tempore of the Senate. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the appointing officer for the unexpired terms.

The State Board of Education shall ~~supervise and administer~~ advise the Superintendent of Public Instruction on the supervision and administration of the free public school system and



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1 the educational funds provided for its support, ~~except the funds mentioned in Section 7 of this~~
2 ~~Article, and shall make all needed rules and regulations in relation thereto, subject to laws~~
3 ~~enacted by the General Assembly support.~~"

4 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
5 the qualified voters of the State at a statewide election to be conducted on November 6, 2012,
6 which election shall be conducted under the laws then governing elections in the State. Ballots,
7 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
8 The question to be used in the voting systems and ballots shall be:

9 FOR AGAINST

10 Constitutional amendments to make the Superintendent of Public Instruction the
11 head of the Department of Public Instruction, to make the State Board of Education an advisory
12 body, and to modify the membership of the State Board of Education."

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 shall become effective January 1, 2013.

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