

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 471

Short Title: Voc. Ed. Technical Changes.

(Public)

Sponsors: Representative Cummings.

Referred to: Education.

March 23, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CHANGES IN THE LAW REGARDING
VOCATIONAL EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81(a1) reads as rewritten:

"(a1) The Basic Education Program shall describe the education program to be offered to every child in the public schools. It shall provide every student in the State equal access to a Basic Education Program. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and vocational and technical education.

Instruction in vocational and technical education under the Basic Education Program shall be based on factors including:

- (1) The integration of academic and vocational and technical education;
- (2) A sequential course of study leading to both academic and occupational competencies;
- (3) Increased student work skill attainment and job placement;
- (4) Increased linkages, where geographically feasible, between public schools and community colleges, so the public schools can emphasize academic preparation and the community colleges can emphasize specific job training; and
- (5) Instruction and experience, to the extent practicable, in all aspects of the industry the students are prepared to enter."

Sec. 2. G.S. 115C-81.1 reads as rewritten:

1 **"§ 115C-81.1. Basic Education Program Funds not to supplant Local funds for**
2 **schools.**

3 (a) It is the intent of the General Assembly that budget funds appropriated by the
4 General Assembly for vocational and technical education programs and clerical
5 personnel to implement the Basic Education Program be used to supplement and not
6 supplant existing State and local funding for the public schools. Therefore, to the extent
7 that local school administrative units receive additional State funds for vocational and
8 technical education programs and clerical personnel positions that were previously
9 funded in whole or in part with nonstate funds, the local governments shall continue to
10 spend for public school operating or capital purposes in the local school administrative
11 units the amount of money they would have spent to provide the vocational and
12 technical education programs and the school clerical personnel previously funded with
13 nonstate funds.

14 Priority shall be given to funding capital needs, particularly those resulting from
15 implementation of the Basic Education Program."

16 Sec. 3. Article 10 of Chapter 115C of the General Statutes reads as rewritten:

17 **"ARTICLE 10.**

18 **"VOCATIONAL AND TECHNICAL EDUCATION.**

19 **"PART 1. VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.**

20 **"§ 115C-151. Statement of purpose.**

21 It is the intent of the General Assembly that vocational and technical education be an
22 integral part of the educational process. The State Board of Education ~~is authorized and~~
23 ~~directed to shall~~ administer through local boards of education a comprehensive program
24 of vocational and technical education ~~which that~~ shall be available to all students who
25 desire it in the public secondary schools and middle schools of this State. The purposes
26 of vocational and technical education in North Carolina public secondary schools shall
27 be:

- 28 (1) ~~Vocational-Occupational~~ Skill Development. – To prepare individuals
29 for paid or unpaid employment in recognized occupations, new
30 occupations, and emerging occupations.
- 31 (2) Preparation for Advanced Education. – To prepare individuals for
32 participation in advanced or highly skilled vocational and technical
33 education.
- 34 (3) ~~Pre-Vocational;~~ Career Development; Introductory. – To assist
35 individuals in the making of informed and meaningful occupational
36 choices.

37 It is also legislative intent to authorize the State Board of Education to support
38 appropriate vocational and technical education instruction and related services for
39 individuals who have ~~other specialized special~~ special vocational and technical education needs
40 which can be fulfilled through a comprehensive vocational and technical education
41 program as designated by State Board of Education policy or federal vocational and
42 technical education legislation.

43 **"§ 115C-152. Definitions.**

1 The State Board of Education ~~is authorized and directed to~~ shall provide appropriate
2 definitions to vocational and technical education programs, services, and activities in
3 grades 6-12 not otherwise included in this Part. As used in this Part, unless the context
4 requires otherwise:

5 (1) 'Career development; introductory' means an instructional program,
6 service, or activity designed to familiarize individuals with the broad
7 range of occupations for which special skills are required and the
8 requisites for careers in such occupations.

9 (4) (2) 'Comprehensive vocational and technical education' means
10 instructional programs, services, or activities directly related to
11 preparation for and placement in employment, for advanced technical
12 education, preparation, or for the making of informed and meaningful
13 educational and occupational choices.

14 (3) 'Occupational skill development' means a program, service, or activity
15 designed to prepare individuals for paid or unpaid employment as
16 semiskilled or skilled workers, technicians, or professional-support
17 personnel in recognized occupations and in new and emerging
18 occupations including occupations or a trade, technical, business,
19 health, office, homemaking, homemaking-related, agricultural,
20 marketing, and other nature. Instruction is designed to fit individuals
21 for initial employment in a specific occupation or a cluster of closely
22 related occupations in an occupational field. This instruction includes
23 education in technology, manipulative skills, theory, auxiliary
24 information, application of academic skills, and other associated
25 knowledges.

26 (2) (4) 'Preparation for advanced education' means a program, service, or
27 activity designed to prepare individuals for participation in advanced
28 or highly skilled post-secondary and technical education programs
29 leading to employment in specific occupations or a cluster of closely
30 related occupations and for participation in vocational and technical
31 education teacher education programs.

32 (3) ~~'Pre-vocational; introductory' means an instructional program, service,~~
33 ~~or activity designed to familiarize individuals with the broad range of~~
34 ~~occupations for which special skills are required and the requisites for~~
35 ~~careers in such occupations.~~

36 (4) ~~'Vocational skill development' means a program, service, or activity~~
37 ~~designed to prepare individuals for paid or unpaid employment as~~
38 ~~semi-skilled or skilled workers, technicians, or professional support~~
39 ~~personnel in recognized occupations and in new and emerging~~
40 ~~occupations including occupations or a trade, technical, business,~~
41 ~~health, office, homemaking, homemaking related, agricultural,~~
42 ~~distributive, and other nature. Instruction is designed to fit individuals~~
43 ~~for initial employment in a specific occupation or a cluster of closely~~
44 ~~related occupations in an occupational field. Such instruction includes~~

1 ~~education in manipulative skills, theory, auxiliary information, and~~
2 ~~other associated knowledges.~~

3 **"§ 115C-153. Administration of vocational and technical education.**

4 The State Board of Education shall be the sole State agency for the State
5 administration of vocational and technical education at all levels, shall be designated as
6 the State Board of Vocational and Technical Education, and shall have all necessary
7 authority to cooperate with any and all federal agencies in the administration of national
8 acts assisting vocational and technical education, to administer any legislation pursuant
9 thereto enacted by the General Assembly of North Carolina, and to cooperate with local
10 boards of education in providing vocational and technical education programs, services,
11 and activities for youth and adults residing in the areas under their jurisdiction.

12 **"§ 115C-154. Duties of the State Board of Education.**

13 In carrying out its duties, the State Board of Education shall ~~have full authority to~~
14 develop and implement ~~such any~~ policies, rules, regulations, and procedures as
15 necessary to ensure vocational and technical education programs of high quality. The
16 State Board of Education shall prepare a Master Plan for Vocational and Technical
17 Education. ~~Such~~ The plan, to be updated periodically, shall ensure minimally that:

- 18 (1) Articulation ~~will~~ shall occur with institutions, agencies, councils, and
19 other organizations having responsibilities for ~~manpower development~~
20 work force preparedness.
- 21 (2) Business, industrial, agricultural, and lay representatives organized as
22 advisory committees have been utilized in the development of
23 decisions affecting vocational and technical education programs and
24 services.
- 25 (3) Public hearings are conducted annually to afford the public an
26 opportunity to express their views concerning the State Board's plan
27 and to suggest changes in the plan.
- 28 (4) The plan describes the State's policy for vocational and technical
29 education and the system utilized for the delivery of vocational and
30 technical education programs, services, and activities. The policy shall
31 include priorities of curriculum, integration of vocational and
32 academic education, technical preparation, and youth apprenticeships.
- 33 (5) A professionally and occupationally qualified staff is employed and
34 organized in a manner to assure efficient and effective State leadership
35 for vocational and technical education. Provisions ~~will~~ shall be made
36 for such functions as: planning, administration, supervision, personnel
37 development, curriculum development, vocational student organization
38 and coordination research and evaluation, and such others as the State
39 Board may direct.
- 40 (6) An appropriate supply of qualified personnel is trained for program
41 expansion and replacements through cooperative arrangements with
42 institutions of higher education and other institutions or agencies,
43 including where necessary financial support of programs and

1 curriculums designed for the preparation of vocational administrators,
2 supervisors, coordinators, instructors, and support personnel.

3 (7) Minimum standards shall be prescribed for personnel employed at the
4 State and local levels.

5 (8) Local boards of education submit to the State Board of Education a
6 local plan for vocational and technical education ~~which~~ that has been
7 prepared in accordance with the procedures set forth in the Master Plan
8 for Vocational and Technical Education.

9 (9) Appropriate minimum standards for vocational and technical education
10 programs, services, and activities shall be established, promulgated,
11 supervised, monitored, and maintained. ~~Such~~ These standards shall
12 specify ~~such~~ characteristics such as program objectives, skill
13 competencies, course sequence, program duration, class size,
14 supervised on-the-job experiences, vocational student organization,
15 school-to-work transition programs, qualifications of instructors, and
16 all other standards necessary to ensure that all programs conducted by
17 local school administrative units shall be of high quality, relevant to
18 student needs, and coordinated with employment opportunities.

19 (10) A system of continuing qualitative and quantitative evaluation of all
20 vocational and technical education programs, services, and activities
21 supported under the provisions of this Part shall be established,
22 maintained, and utilized periodically. One component of ~~such~~ the
23 system shall be follow-up studies of employees and former students of
24 vocational and technical education programs who have been out of
25 school for one year, and for five years to ascertain the effectiveness of
26 instruction, services, and activities.

27 **"§ 115C-154.1. Approval of local vocational and technical education plans or
28 applications.**

29 The State Board of Education ~~may~~ shall not approve any local vocational and
30 technical education plans or applications unless:

- 31 (1) The programs are in accordance with the purposes of G.S. 115C-151;
32 (2) The vocational programs and courses are not duplicated within a local
33 school administrative unit, unless the unit has data to justify the
34 duplication or the unit has a plan to redirect the duplicative programs
35 within three years;
36 (3) For all current job skill programs, there is a documented need, based
37 on labor market data or follow-up data, or there is a plan to redirect the
38 program within two years;
39 (4) New vocational programs show documented need based on student
40 demand, or for new job skill programs, based on student and labor
41 market demand; and
42 (5) All programs are responsive to technological advances, changing
43 characteristics of the work force, and the academic, technical, and
44 attitudinal development of students.

1 Local programs using the cooperative vocational and technical education method
2 shall be approved subject to students enrolled being placed in employment
3 commensurate with the respective program criteria.

4 As used in this section, "labor market data" means data provided in the State Plan for
5 Vocational Education, data provided through a local survey, or both.

6 **"§ 115C-154.2. Vocational and technical education equipment standards.**

7 The State Board of Education shall develop equipment standards for each vocational
8 and technical education program level and shall assist local school administrative units
9 in determining the adequacy of equipment for each vocational and technical education
10 program available in each local school administrative unit.

11 The State Board shall also develop a plan to assure that minimum equipment
12 standards for each program are met to the extent that State, local, and federal funds are
13 available for that purpose. The State Board shall consider all reasonable and prudent
14 means to meet these minimum equipment standards and to ensure a balanced vocational
15 and technical education program for students in the public schools.

16 **"§ 115C-155. Acceptance of benefits of federal vocational acts.**

17 The State of North Carolina, through the State Board of Education, ~~shall be~~
18 ~~empowered to~~ may accept all the provisions and benefits of acts passed by the Congress
19 of the United States providing federal funds for vocational and technical education
20 programs: Provided, however, that the State Board of Education ~~is not authorized to~~ shall
21 not accept such ~~those~~ funds upon any condition that the public schools of this State shall
22 be operated contrary to any provision of the Constitution or statutes of this State.

23 **"§ 115C-156. State funds for vocational and technical education.**

24 It is the intent of the General Assembly of North Carolina to appropriate funds for
25 each fiscal year to support the purposes of vocational and technical education as set
26 forth in G.S. 115C-151. From funds appropriated, the State Board of Education shall
27 establish a sum of money for State administration of vocational and technical education
28 and shall allocate the remaining sum on an equitable basis to local school administrative
29 units, except that a contingency fund is established to correct excess deviations ~~which~~
30 that may occur during the regular school year. In the administration of State funds, the
31 State Board of Education shall adopt such policies and procedures as necessary to
32 ensure that the funds appropriated are used for the purpose stated in this Part and
33 consistent with the policy set forth in the Master Plan for Vocational Education.

34 ~~"§ 115C Distribution formula; allotment for disadvantaged and handicapped~~
35 ~~students.~~

36 ~~To ensure a more balanced distribution of State and federal funds allocated for~~
37 ~~disadvantaged and handicapped students, the State Board of Education shall distribute~~
38 ~~to each of the local school administrative units the State vocational education funds that~~
39 ~~are required to match federal funds for the disadvantaged and for the handicapped,~~
40 ~~based on the following formula:~~

41 (1) Concentration of Low Income Families 18-32

42 (2) Relative Financial Abilities 18-32

43 (3) Economically Depressed Areas 5-20

44 a. Designated Area Reimbursement Rate (0-6)

- 1 b. General Unemployment(5-14)
 2 (4) Average Daily Membership (ADM) 4-16
 3 Range of Points 45-100

4 Once the local school administrative units' total allotments are calculated, the State
 5 Board of Education shall combine each local school administrative unit's State and
 6 federal allotments into single allotments, one for the disadvantaged and one for the
 7 handicapped. The combined allotment for the disadvantaged shall require a local match
 8 based on the local school administrative unit's ability to pay, ranging from twenty-eight
 9 percent (28%) to thirty-two (32%), as is presently the case. The combined allotment for
 10 the handicapped shall be distributed with no local matching requirements.

11 **"§ 115C-157. Responsibility of local boards of education.**

12 Each local school administrative unit, shall provide free appropriate vocational and and
 13 technical education instruction, activities, and services in accordance with the
 14 provisions of this Part for all youth who elect ~~such~~ the instruction and shall have
 15 responsibility for administering ~~such~~ the instruction, activities, and services in
 16 accordance with federal and State law and State Board of Education policies.

17 **"§ 115C-158. Federal funds division.**

18 The division between secondary and post-secondary educational systems and
 19 institutions of federal funds for which the State Board of Vocational and Technical
 20 Education has responsibility shall, within discretionary limits established by law,
 21 require the concurrence of the State Board of Education and the State Board of
 22 Community Colleges on and after January 1, 1981. The portion of the approved State
 23 Plan for post-secondary vocational and technical education required by G.S. 115C-154
 24 shall be as approved by the State Board of Community Colleges.

25 **"PART 2. VOCATIONAL EDUCATION PRODUCTION WORK ACTIVITIES.**

26 **"§ 115C-159. Statement of purpose.**

27 It is the intent of the General Assembly that practical work experiences within the
 28 school and outside the school, which are valuable to students and which are under the
 29 supervision of a teacher, should be encouraged as a part of vocational and technical
 30 education instruction in the public secondary schools and middle schools when ~~such~~
 31 those experiences ~~shall be~~ are organized and maintained to the best advantage of the
 32 vocational ~~education~~ programs. ~~Such~~ Those activities are a part of the instructional
 33 activities in the vocational ~~education~~ programs and are not to be construed as engaging
 34 in business. ~~Such~~ Those services, products, and properties generated through these
 35 instructional activities are exempt from the requirements of G.S. 115C-518; the local
 36 board shall adopt rules for the disposition of these services, products, and properties.
 37 Local boards of education ~~are authorized to~~ may use available financial resources to
 38 support ~~such~~ that instruction.

39 **"§ 115C-160. Definitions.**

40 The State Board of Education ~~is authorized and directed to~~ shall provide appropriate
 41 definitions necessary to this part of vocational and technical education instruction not
 42 otherwise included in this Part. As used in this Part, unless the context requires
 43 otherwise:

1 (1) The term 'building trades training' means the development of
2 vocational skills through the construction of dwellings or other
3 buildings and related activities by students in vocational and technical
4 education programs.

5 (2) The term 'production work' means production activities and services
6 performed by vocational and technical education classes under
7 contract with a second party for remuneration.

8 **"§ 115C-161. Duties of the State Board of Education.**

9 The State Board of Education is authorized and directed to establish, maintain, and
10 implement such policies, rules, regulations, and procedures not in conflict with State
11 law or other State Board policies as necessary to assist local boards of education in the
12 conduct of production work experiences performed in connection with approved State
13 Board of Education vocational and technical education programs.

14 **"§ 115C-162. Use of proceeds derived from production work.**

15 Unless elsewhere authorized in these statutes, local boards of education ~~are~~
16 ~~authorized and directed to~~ shall deposit to the appropriate school account, no later than the
17 end of the next business day after receipt of funds, all proceeds derived from the sale of
18 products or services from production work experiences. ~~Such~~ These proceeds shall be
19 established as a revolving fund to be used solely in operating and improving vocational
20 and technical education programs.

21 **"§ 115C-163. Acquisition of land for agricultural education instructional**
22 **programs.**

23 Local boards of education ~~are authorized and empowered to~~ may acquire by gift,
24 purchase, or lease for not less than the useful life of any project to be conducted upon
25 the premises, a parcel of land suitable for a land laboratory to provide students with
26 practical instruction in soil science, plant science, horticulture, forestry, animal
27 husbandry, and other subjects related to the agriculture curriculum.

28 Each deed, lease, or other agreement for ~~such~~ land shall be made to the respective
29 local board of education in which the school offering instruction in agriculture is
30 located; and title to such land shall be examined and approved by the school attorney.

31 Any land laboratory thus acquired shall be assigned to the agricultural education
32 program of the school, to be managed with the advice of an agricultural education
33 advisory committee.

34 The products of the land laboratory not needed for public school purposes may be
35 sold to the public: Provided, however, that all proceeds from the sale of products shall
36 be deposited in the appropriate school account no later than the end of the next business
37 day after receipt of funds. ~~Such~~ The proceeds shall be established as a revolving fund to
38 be used solely in operating and improving vocational and technical education programs.

39 **"§ 115C-164. Building trades training.**

40 In the establishment and implementation of production work experience policies,
41 the State Board of Education shall be guided as follows:

42 (1) Local boards of education ~~are authorized to~~ may use supplementary tax
43 funds or other local funds available for the support of vocational and
44 technical education to purchase and develop suitable building sites on

1 which dwellings or other buildings are to be constructed by vocational
2 and technical education trade classes of each public school operated by
3 local boards of education. Local boards of education ~~are authorized to~~
4 may use such these funds for each school to pay the fees necessary in
5 securing and recording deeds to these properties for each public school
6 operated by local boards of education and to purchase all materials
7 needed to complete the construction of buildings by vocational and
8 technical education trade classes and for development of site and
9 property by other vocational and technical education classes. Local
10 boards of education ~~are further authorized to expend such funds in~~
11 ~~acquiring~~ may use these funds to acquire skilled services, including
12 electrical, plumbing, heating, sewer, water, transportation, grading,
13 and landscaping needed in the construction and completion of ~~buildings~~
14 ~~which buildings, that~~ cannot be supplied by the students in vocational
15 and technical education trade classes.

- 16 (2) Local boards of education ~~are authorized, may,~~ in conjunction with or in
17 lieu of subdivision (1) of this section, above, ~~to~~ contract with
18 recognized building trades educational foundations or associations in
19 the purchase of land for the construction and development of
20 buildings: Provided however, that all contracts ~~are in~~ shall be in
21 accordance with the requirements set forth by the State Board of
22 Education."

23 Sec. 4. G.S. 115C-302(a)(2) reads as rewritten:

- 24 "(2) ~~Occupational-Vocational and Technical~~ Education Teachers. – State-
25 allotted months of employment to local boards of education as
26 provided by the State Board of Education shall be used for the
27 employment of teachers of ~~occupational-vocational and technical~~
28 education for a term of employment as determined by the local boards
29 of education. Salary payments to these ~~occupational-vocational and~~
30 technical education teachers shall be made monthly at the end of each
31 calendar month of service: Provided, that local boards shall not reduce
32 the term of employment for any vocational agriculture teacher
33 personnel position that was 12 calendar months for the 1982-83 school
34 year for any school year thereafter: Provided further, that teachers
35 employed for a term of 10 calendar months in year-round schools shall
36 be paid in 12 equal installments: Provided further, that any individual
37 teacher employed for a term of 10 calendar months who is not
38 employed in a year-round school may be paid in 12 monthly
39 installments if the teacher so requests on or before the first day of the
40 school year. Such request shall be filed in the administrative unit
41 which employs the teacher. The payment of the annual salary in 12
42 installments instead of 10 shall not increase or decrease said annual
43 salary nor in any other way alter the contract made between the teacher
44 and the said administrative unit. Included within their term of

1 employment shall be the same rate of annual vacation leave and legal
2 holidays provided under the same conditions as set out in subdivision
3 (1) above, but in no event shall the total workdays for a 10-month
4 employee exceed 200 days in a 10-month schedule and the workweek
5 shall constitute five days for all ~~occupational~~ vocational and technical
6 teachers regardless of the employment period.

7 ~~Occupational~~ Vocational and technical education teachers who are
8 employed for 11 or 12 months may, with prior approval of the
9 principal, work on annual leave days designated in the school calendar
10 and take those annual leave days during the 11th or 12th month of
11 employment.

12 No deductions shall be made from salaries of teachers of vocational
13 agriculture and home economics whose salaries are paid in part from
14 State and federal vocational funds while in attendance upon
15 community, county and State meetings called for the specific purpose
16 of promoting the agricultural interests of North Carolina, when such
17 attendance is approved by the superintendent of the administrative unit
18 and the State Director of Vocational and Technical Education."

19 Sec. 5. G.S. 131D-10.2(11) reads as rewritten:

20 "(11) 'Primarily Educational Institution' means any institution which
21 operates one or more scholastic or vocational and technical education
22 programs that can be offered in satisfaction of compulsory school
23 attendance laws, in which the primary purpose of the housing and care
24 of children is to meet their educational needs, provided such institution
25 has complied with Article 39 of Chapter 115C of the General
26 Statutes."

27 Sec. 6. G.S. 134A-8(5) reads as rewritten:

28 "(5) To provide a quality educational program in each training school,
29 including vocational and technical education which is realistic in
30 relation to available jobs, and to administer this educational system;".

31 Sec. 7. G.S. 137-35(1) reads as rewritten:

32 "(1) As applications for loans are made, the Director of ~~Schoolhouse~~
33 ~~Planning~~ Auxiliary Services and the Director of Vocational and
34 Technical Education, State Department of Public Instruction, will
35 select and recommend rural communities in which vocational
36 agricultural and home economics buildings should be constructed or
37 equipped."

38 Sec. 8. G.S. 148-22.1 reads as rewritten:

39 **"§ 148-22.1. Educational facilities and programs for selected inmates.**

40 (a) The State Department of Correction is authorized to take advantage of aid
41 available from any source in establishing facilities and developing programs to provide
42 inmates of the State prison system with such academic and vocational and technical
43 education as seems most likely to facilitate the rehabilitation of these inmates and their
44 return to free society with attitudes, knowledge, and skills that will improve their

1 prospects of becoming law-abiding and self-supporting citizens. The State Department
2 of Public Instruction is authorized to cooperate with the State Department of Correction
3 in planning academic and vocational and technical education of prison system inmates,
4 but the State Department of Public Instruction is not authorized to expend any funds in
5 this connection.

6 (b) In expending funds that may be made available for facilities and programs to
7 provide inmates of the State prison system with academic and vocational and technical
8 education, the State Department of Correction shall give priority to meeting the needs of
9 inmates who are less than 21 years of age when received in the prison system with a
10 sentence or sentences under which they will be held for not less than six months nor
11 more than five years before becoming eligible to be considered for a parole or
12 unconditional release. These inmates shall be given appropriate tests to determine their
13 educational needs and aptitudes. When the necessary arrangements can be made, they
14 shall receive such instruction as may be deemed practical and advisable for them."

15 Sec. 9. This act becomes effective December 1, 1993.