

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 854

Short Title: School Group Health Insurance.

(Public)

Sponsors: Senator Sands.

Referred to: Insurance.

April 14, 1993

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE ISSUANCE AND PURCHASING OF GROUP HEALTH INSURANCE COVERAGE FOR PUBLIC SCHOOL STUDENTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-51-81. Group accident and health insurance for public school students.

(a) Notwithstanding G.S. 58-51-80, a policy of group accident, health, or accident and health insurance may be delivered or issued to a local board of education or to any of its schools, as policyholder, covering only students for amounts of insurance based upon some plan that will preclude individual selection. The premium may be paid by the board, jointly by the board and the students or any other persons on behalf of the students, or by the students and any other persons on behalf of the students. In addition to the authority granted in G.S. 115C-47(6), any board may establish fees for the payment of premiums by or on behalf of the covered students.

(b) Entities subject to Articles 65 and 67 of this Chapter may provide their products in the same manner described in subsection (a) of this section."

Sec. 2. G.S. 115C-47 reads as rewritten:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

- (1) To Provide an Adequate School System. – It shall be the duty of local boards of education to provide adequate school systems within their respective local school administrative units, as directed by law.

- 1 (2) To Exercise Certain Judicial Functions and to Participate in Certain
2 Suits and Actions. – Local boards of education shall have the power
3 and authority to exercise certain judicial functions pursuant to the
4 provisions of G.S. 115C-45 and to participate in certain suits and
5 actions pursuant to the provisions of G.S. 115C-44.
- 6 (3) To Divide Local School Administrative Units into Attendance Areas. –
7 Local boards of education shall have authority to divide their various
8 units into attendance areas without regard to district lines.
- 9 (4) To Regulate Extracurricular Activities. – Local boards of education
10 shall make all rules and regulations necessary for the conducting of
11 extracurricular activities in the schools under their supervision,
12 including a program of athletics, where desired, without assuming
13 liability therefor; provided, that all interscholastic athletic activities
14 shall be conducted in accordance with rules and regulations prescribed
15 by the State Board of Education.
- 16 (5) To Fix Time of Opening and Closing Schools. – The time of opening
17 and closing the public schools shall be fixed pursuant to the provisions
18 of G.S. 115C-84(e).
- 19 (6) To Regulate Fees, Charges and Solicitations. – Local boards of
20 education shall adopt rules and regulations governing solicitations of,
21 sales to, and fund-raising activities conducted by, the students and
22 faculty members in schools under their jurisdiction, and no fees,
23 charges, or costs shall be collected from students and school personnel
24 without approval of the board of education as recorded in the minutes
25 of said board; provided, this subdivision shall not apply to such
26 textbooks fees as are determined and established by the State Board of
27 Education. All schedules of fees, charges and solicitations approved by
28 local boards of education shall be reported to the Superintendent of
29 Public Instruction.
- 30 (7) To Accept and Administer Federal or Private Funds. – Local boards of
31 education shall have power and authority to accept, receive and
32 administer any funds or financial assistance given, granted or provided
33 under the provisions of the Elementary and Secondary Education Act
34 of 1965 (Public Law 89-10, 89th Congress, HR 2362) and under the
35 provisions of the Economic Opportunity Act of 1964 (Public Law 88-
36 452, 88th Congress, S. 2642), or other federal acts or funds from
37 foundations or private sources, and to comply with all conditions and
38 requirements necessary for the receipt, acceptance and use of said
39 funds. In the administration of such funds, local boards of education
40 shall have authority to enter into contracts with and to cooperate with
41 and to carry out projects with nonpublic elementary and secondary
42 schools, community groups and nonprofit corporations, and to enter
43 into joint agreements for these purposes with other local boards of
44 education. Local boards of education shall furnish such information as

1 shall be requested by the State Board of Education, from time to time,
2 relating to any programs related or conducted pursuant to this
3 subdivision.

4 (8) To Sponsor or Conduct Educational Research. – Local boards of
5 education are authorized to sponsor or conduct educational research
6 and special projects approved by the Department of Public Instruction
7 and the State Board of Education that may improve the school system
8 under their jurisdictions. Such research or projects may be conducted
9 during the summer months and the board may use any available funds
10 for such purposes.

11 (9) To Assure Accurate Attendance Records. – When the governing board
12 of any local school administrative unit shall have information that
13 inaccurate school attendance records are being kept, the board
14 concerned shall immediately investigate such inaccuracies and take
15 necessary action to establish and maintain correct records and report
16 its findings and action to the State Board of Education.

17 (10) To Assure Appropriate Class Size. – It shall be the responsibility of
18 local boards of education to assure that the class size and teaching load
19 requirements set forth in G.S. 115C-301 are met. Any teacher who
20 believes that the requirements of G.S. 115C-301 have not been met
21 shall make a report to the principal and superintendent, and the
22 superintendent shall immediately determine whether the requirements
23 have in fact not been met. If the superintendent determines the
24 requirements have not been met, he shall make a report to the next
25 local board of education meeting. The local board of education shall
26 take action to meet the requirements of the statute. If the local board
27 cannot organizationally correct the exception and if any of the
28 conditions set out in G.S. 115C-301(g)(1) exist, it shall immediately
29 apply to the State Board of Education for additional personnel or a
30 waiver of the class size requirements, as provided in G.S. 115C-
31 301(g).

32 Upon notification from the State Board of Education that the
33 reported exception does not qualify for an allotment adjustment
34 or a waiver under provisions of G.S. 115C-301, the local board,
35 within 30 days, shall take action necessary to correct the
36 exception.

37 At the end of the second month of each school year, the local
38 board of education, through the superintendent, shall file a
39 report with the State Board of Education, in a format prescribed
40 by the State Board of Education, describing the organization of
41 each school, the duties of each teacher, the size of each class,
42 and the teaching load of each teacher. As of February 1 each
43 year, local boards of education, through the superintendent,

1 shall report all exceptions to individual class size and daily
2 teaching load maximums that exist at that time.

3 In addition to assuring that the requirements of G.S. 115C-301
4 are met, each local board of education shall also have the duty
5 to provide an adequate number of classrooms to meet the
6 requirements of that statute.

7 (11) To Determine the Length of the School Day, the School Month and the
8 School Term. – Local boards of education shall determine the length
9 of the school day, the school month and the school term pursuant to
10 the provisions of G.S. 115C-84(a) through (c).

11 (12) **(For effective date see notes)** To Implement the Basic Education
12 Program. – Local boards of education shall implement the Basic
13 Education Program in accordance with rules adopted by the State
14 Board. This implementation shall include provision for the efficient
15 teaching of the course content required by the standard course of
16 study.

17 (12) **(For effective date see notes)** To Implement the Basic Education
18 Program. – Local boards of education shall implement the Basic
19 Education Program in accordance with rules adopted by the State
20 Board. This implementation shall include provision for the efficient
21 teaching of the course content required by the Basic Education
22 Program.

23 (13) To Elect a Superintendent. – The local boards of education shall elect
24 superintendents subject to the requirements and limitations set forth in
25 G.S. 115C-271.

26 (14) To Supply an Office, Equipment and Clerical Assistance for the
27 Superintendent. – It shall be the duty of the various boards of
28 education to provide the superintendent of schools with an office,
29 equipment and clerical assistance as provided in G.S. 115C-277.

30 (15) To Prescribe Duties of Superintendent. – The local boards of education
31 shall prescribe the duties of the superintendent as subject to the
32 provisions of G.S. 115C-276(a).

33 (16) To Remove a Superintendent, When Necessary. – Local boards of
34 education shall remove a superintendent for cause, pursuant to the
35 provisions of G.S. 115C-274(a).

36 (17) To Employ Assistant Superintendent and Supervisors. – Local boards
37 of education have the authority to employ assistant superintendents
38 and supervisors pursuant to the provisions of G.S. 115C-278 and
39 115C-284(g).

40 (18) To Make Rules Concerning the Conduct and Duties of Personnel. –
41 Local boards of education, upon the recommendation of the
42 superintendent, shall have full power to make all just and needful rules
43 and regulations governing the conduct of teachers, principals, and

1 supervisors, the kind of reports they shall make, and their duties in the
2 care of school property.

3 Prior to the beginning of each school year, each local board of
4 education shall identify all reports, including local school
5 required reports, that are required at the local level for the
6 school year. No additional reports shall be required at the local
7 level after the beginning of the school year without the prior
8 approval of the local board of education.

9 (19) To Approve the Assignment of Duties to an Assistant Principal. –
10 Local boards of education shall permit certain duties of the principal to
11 be assigned to an assistant or acting principal pursuant to the
12 provisions of G.S. 115C-289.

13 (20) To Provide for Training of Teachers. – Local boards of education are
14 authorized to provide for the training of teachers as provided in G.S.
15 115C-300.

16 (21) It is the duty of every local board of education to provide for the
17 prompt monthly payment of all salaries due teachers and other school
18 officials and employees, and of all current bills and other necessary
19 operating expenses. All salaries and bills shall be paid as provided by
20 law for disbursing State and local funds.

21 The local board shall determine salary schedules of employees
22 pursuant to the provisions of G.S. 115C-273, 115C-285(b),
23 115C-302(c), and 115C-316(b).

24 The authority for boards of education to issue salary vouchers
25 to all school employees, whether paid from State or local funds,
26 shall be a monthly payroll prepared on forms approved by the
27 State Board of Education and containing all information
28 required by the State Board of Education. This monthly payroll
29 shall be signed by the principal of each school.

30 (22) To Provide School Food Services. – Local boards of education shall
31 provide, to the extent practicable, school food services as provided in
32 Part 2 of Article 17 of this Chapter.

33 (23) To Purchase Equipment and Supplies. – They shall contract for
34 equipment and supplies pursuant to the provisions of G.S. 115C-
35 522(a).

36 (24) Purchase of Activity Buses with Local Capital Outlay Tax Funds. –
37 Local boards of education are authorized to purchase activity buses
38 with local capital outlay tax funds, and are authorized to maintain
39 these buses in the county school bus garage. Reimbursement to the
40 State Public School Fund shall be made for all maintenance cost
41 including labor, gasoline and oil, repair parts, tires and tubes,
42 antifreeze, etc. Labor cost reimbursements and local funds may be
43 used to employ additional mechanics so as to insure that all activity
44 buses owned and operated by local boards of education are maintained

1 in a safe mechanical condition. The State Board of Education shall
2 inspect each activity bus and recommend to the board whether the bus
3 should be replaced but replacements will be determined by the local
4 board of education. Such replacement units for activity buses shall be
5 financed with local funds.

6 (25) To Secure Liability Insurance. – Local boards of education are
7 authorized to secure liability insurance, as provided in G.S. 115C-42,
8 so as to waive their immunity for liability for certain negligent acts of
9 their employees.

10 (26) If a local board of education provides access to its buildings and
11 campus and the student information directory to persons or groups
12 which make students aware of occupational or educational options, the
13 local board of education shall provide access on the same basis to
14 official recruiting representatives of the military forces of the State and
15 of the United States for the purpose of informing students of
16 educational and career opportunities available in the military.

17 (27) Repealed by Session Laws 1987, c. 571, s. 2.

18 (28) To Enter Lease Purchase Contracts for Automobiles. – Local boards
19 may purchase automobiles by installment contracts that create in the
20 property purchased a security interest to secure payment of the
21 purchase money. A contract entered into under this subdivision is
22 subject to the provisions of Article 8 of Chapter 159 of the General
23 Statutes, except for G.S. 159-148(a)(4) and (b)(2). The lease purchase
24 contract shall provide that there be no recourse for default in payments
25 under the contract other than return of the automobile. The taxing
26 power of any tax levying authority is not and may not be pledged
27 directly or indirectly to secure any moneys due the seller.

28 (29) To Authorize the Observance of a Moment of Silence. – Local boards
29 of education may adopt policies to authorize the observance of a
30 moment of silence at the commencement of the first class of each day
31 in all grades in the public schools. Such a policy shall provide that the
32 teacher in charge of the room in which each class is held may
33 announce that a period of silence not to exceed one minute in duration
34 shall be observed and that during that period silence shall be
35 maintained and no one may engage in any other activities. Such period
36 of silence shall be totally and completely unstructured and free of
37 guidance or influence of any kind from any sources.

38 (30) To Appoint Advisory Councils. – Local boards of education are
39 authorized to appoint advisory councils as provided in G.S. 115C-55.

40 (31) Local boards of education shall determine the hours of employment for
41 teacher assistants. The Legislative Commission of Salary Schedules
42 for Public School Employees shall include in its report to the General
43 Assembly recommendations regarding hours of employment for
44 teacher assistants and other employees.

1 (32) To Refer All Students Who Drop Out of the Public Schools to
2 Appropriate Services. – Local boards of education shall refer all
3 students who drop out of the public schools to appropriate services.
4 When appropriate public school services such as extended day
5 programs are available, the local boards shall refer the students to
6 those services. When appropriate public school programs are not
7 available or are not suitable for certain students, the local board shall
8 refer the students to the community college system or to other
9 appropriate services.

10 (33) Local boards of education shall have sole authority to select and
11 procure supplementary instructional materials, whether or not the
12 materials contain commercial advertising, pursuant to the provisions of
13 G.S. 115C-98(b).

14 (34) To Encourage the Business Community to Facilitate Student
15 Achievement. – Local boards of education, in consultation with local
16 business leaders, shall develop voluntary guidelines relating to after-
17 school employment. The guidelines may include an agreement to limit
18 the number of hours a student may work or to tie the ~~number~~ number of
19 hours a student may work to his academic performance, school
20 attendance, and economic need. The General Assembly finds that
21 local boards of education do not currently have information regarding
22 how many of their students are employed after school and how many
23 hours they work; the General Assembly urges local boards of
24 education to compile this critical information so that the State can
25 determine to what extent these students' work affects their school
26 performance.

27 Local boards of education shall work with local business
28 leaders to encourage employers to provide parents or guardians
29 with time to attend conferences with their children's teachers.

30 The Superintendent of Public Instruction shall provide guidance
31 and technical assistance to the local boards of education on
32 carrying out the provisions of this subdivision.

33 (35) To produce school building improvement reports. – Each
34 administrative unit shall produce school building improvement reports
35 for each school building in the local school administrative unit, in
36 accordance with G.S. 115C-12(9)c3.

37 (36) To purchase group accident and health insurance for students. – Local
38 boards of education may purchase group accident, group health, or
39 group accident and health insurance for students in accordance with
40 G.S. 58-51-81."

41 Sec. 3. This act is effective upon ratification.