

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1199

Short Title: Textbook Selection at Local Level.

(Public)

Sponsors: Representatives Shubert; Brubaker, Harrington, Capps, and Davis.

Referred to: Education.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE TEXTBOOK SELECTION A LOCAL DECISION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-85 through G.S. 115C-95 and G.S. 115C-97 are repealed.

SECTION 2. G.S. 115C-96 reads as rewritten:

"§ 115C-96. ~~Powers and duties of the State Board of Education in regard to textbooks.~~ State funds for textbooks.

The children of the public elementary and secondary schools of the State shall be provided with free basic textbooks within the appropriation of the General Assembly for that purpose. To implement this directive, the State Board of Education shall evaluate annually the amount of money necessary to provide textbooks based on the actual cost and availability of textbooks and shall request sufficient appropriations from the General Assembly.

~~The State Board of Education shall administer a fund and establish rules and regulations necessary to:~~

- ~~(1) Acquire by contract such basic textbooks as are or may be on the adopted list of the State of North Carolina which the Board finds necessary to meet the needs of the State public school system and to carry out the provisions of this Part.~~
- ~~(2) Provide a system of distribution of these textbooks and distribute the books that are provided without using any depository or warehouse facilities other than those operated by the State Board of Education.~~
- ~~(3) Provide for the free use, with proper care and return, of elementary and secondary basic textbooks. The title of said books shall be vested in the State.~~

SECTION 3. G.S. 115C-98 reads as rewritten:

1 **"§ 115C-98. Local boards of education to provide for local operation of the**
2 **textbook ~~program, program and for the selection and procurement of~~**
3 **~~other instructional materials, and the use of nonadopted~~**
4 **~~textbooks, materials.~~**

5 (a) Local boards of education shall adopt rules ~~not inconsistent with the policies~~
6 ~~of the State Board of Education~~ concerning the local operation of the textbook program.

7 (b) Local boards of education shall ~~adopt written policies concerning the~~
8 ~~procedures to be followed in their local school administrative units for the selection and~~
9 ~~procurement of~~ have sole authority to select and procure textbooks, supplementary
10 textbooks, library books, periodicals, audiovisual materials, and other supplementary
11 instructional materials needed for instructional purposes in the public schools of their
12 units.

13 ~~Local boards of education shall have sole authority to select and procure~~
14 ~~supplementary instructional materials, whether or not the materials contain commercial~~
15 ~~advertising, to determine if the materials are related to and within the limits of the~~
16 ~~prescribed curriculum, and to determine when the materials may be presented to~~
17 ~~students during the school day. Supplementary materials and contracts for~~
18 ~~supplementary materials are not subject to approval by the State Board of~~
19 ~~Education.~~ The board may, in its sole discretion, select and procure supplemental
20 instructional materials that contain commercial advertising.

21 ~~Supplementary books and other instructional materials shall neither displace nor be~~
22 ~~used to the exclusion of basic textbooks.~~

23 (b1) A local board of education may establish a community media advisory
24 committee to investigate and evaluate challenges from parents, teachers, and members
25 of the public to textbooks and supplementary instructional materials on the grounds that
26 they are educationally unsuitable, pervasively vulgar, or inappropriate to the age,
27 maturity, or grade level of the students. ~~The State Board of Education shall review its~~
28 ~~rules and policies concerning these challenges and shall establish guidelines to be~~
29 ~~followed by community media advisory committees.~~

30 The local board, at all times, has sole authority and discretion to determine whether a
31 challenge has merit and whether challenged material should be retained or removed.

32 (b2) ~~Local boards of education may:~~

33 (1) ~~Select, procure, and use textbooks that have not been adopted by the~~
34 ~~State Board of Education for use throughout the local school~~
35 ~~administrative unit for selected grade levels and courses; and~~

36 (2) ~~Approve school improvement plans developed under G.S. 115C-~~
37 ~~105.27 that include provisions for using textbooks that have not been~~
38 ~~adopted by the State Board of Education for selected grade levels and~~
39 ~~courses.~~

40 All textbook contracts made under this ~~subsection~~ section shall include a clause
41 granting to the local board of education the license to produce ~~braille, Braille,~~ large
42 print, and audiocassette tape copies of the textbooks for use in the local school
43 administrative unit.

1 (b3) Local boards of education shall provide for the free use, with proper care and
2 return, of textbooks. The title of textbooks shall be vested in the local board of
3 education.

4 (c) Funds allocated by the State Board of Education or appropriated in the
5 current expense or capital outlay budgets of the local school administrative units, may
6 be used for the above-stated purposes."

7 **SECTION 4.** G.S. 115C-100 reads as rewritten:

8 "**§ 115C-100. Rental fees for textbooks prohibited; damage fees authorized.**

9 No local board of education may charge any pupil a rental fee for the use of
10 textbooks. A pupil's parents or legal guardians may be charged damage fees for abuse or
11 loss of textbooks under rules adopted by the ~~State Board of Education~~local board of
12 education. ~~All money collected from the sale of textbooks purchased with State funds~~
13 ~~under the provisions of this Part shall be paid annually as collected to the State Board of~~
14 ~~Education."~~

15 **SECTION 5.** G.S. 115C-101 reads as rewritten:

16 "**§ 115C-101. Duties and authority of superintendents of local school**
17 **administrative units.**

18 The superintendent of each local school administrative ~~unit, as an official agent of~~
19 ~~the State Board of Education,~~unit shall administer the provisions of this ~~Part and the~~
20 ~~rules and regulations of the Board insofar as they apply to his unit.~~Part. The
21 superintendent of each local school administrative unit shall have authority to require
22 the cooperation of principals and teachers so that the children may receive the best
23 possible service, and so that all the books and moneys may be accounted for properly. If
24 any principal or teacher fails to comply with the provisions of this section, his
25 superintendent shall withhold his salary vouchers until the duties imposed by this
26 section have been performed.

27 ~~If any superintendent fails to comply with the provisions of this section, the State~~
28 ~~Superintendent, as secretary to the State Board of Education, shall notify the State~~
29 ~~Board of Education and the State Treasurer. The State Board and the State~~
30 ~~Superintendent shall withhold the superintendent's salary vouchers, and the State~~
31 ~~Treasurer shall make no payment until the State Superintendent notifies him that the~~
32 ~~provisions of this section have been complied with."~~

33 **SECTION 6.** G.S. 115C-102 reads as rewritten:

34 "**§ 115C-102. Right to purchase; disposal of textbooks and materials.**

35 (a) Any parent, guardian, or person in loco parentis may purchase any
36 instructional material needed for any child in the public schools of the State from the
37 board of education of the local school administrative unit in which the child is ~~enrolled~~
38 ~~or, in the case of basic textbooks, from the State Board of Education.~~enrolled.

39 (b) Notwithstanding Article 3A of Chapter 143 of the General Statutes, G.S.
40 143-49(4), or any other provision of law, ~~the State Board of Education may adopt rules~~
41 ~~authorizing local boards of education to~~may dispose of discontinued instructional
42 ~~material, including State-adopted textbooks.~~material."

43 **SECTION 7.** G.S. 115C-11(d) and (e) are repealed.

44 **SECTION 8.** G.S. 115C-12(9) and (9a) read as rewritten:

1 **"§ 115C-12. Powers and duties of the Board generally.**

2 The general supervision and administration of the free public school system shall be
3 vested in the State Board of Education. The State Board of Education shall establish
4 policy for the system of free public schools, subject to laws enacted by the General
5 Assembly. The powers and duties of the State Board of Education are defined as
6 follows:

7 ...
8 (9) Miscellaneous Powers and Duties. – All the powers and duties
9 exercised by the State Board of Education shall be in conformity with
10 the Constitution and subject to such laws as may be enacted from time
11 to time by the General Assembly. Among such duties are:

12 ...
13 ~~b. To adopt and supply textbooks.~~

14 ...
15 (9a) Power to Develop Content Standards. – The Board shall develop a
16 comprehensive plan to revise content standards and the standard
17 course of study in the core academic areas of reading, writing,
18 mathematics, science, history, geography, and civics. The Board shall
19 involve and survey a representative sample of parents, teachers, and
20 the public to help determine academic content standard priorities and
21 usefulness of the content standards. A full review of available and
22 relevant academic content standards that are rigorous, specific,
23 sequenced, clear, focused, and measurable, whenever possible, shall
24 be a part of the process of the development of content standards. The
25 revised content standards developed in the core academic areas shall
26 (i) reflect high expectations for students and an in-depth mastery of the
27 content; (ii) be clearly grounded in the content of each academic area;
28 (iii) be defined grade-by-grade and course-by-course; (iv) be
29 understandable to parents and teachers; (v) be developed in full
30 recognition of the time available to teach the core academic areas at
31 each grade level; and (vi) be measurable, whenever possible, in a
32 reliable, valid, and efficient manner for accountability purposes.

33 High school course content standards shall include the knowledge
34 and skills necessary to enter the workforce and also shall be aligned
35 with the coursework required for admission to the constituent
36 institutions of The University of North Carolina. The Board shall
37 develop and implement a plan for end-of-course tests for the minimum
38 courses required for admission to the constituent institutions. All
39 end-of-course tests shall be aligned with the content standards.

40 The Board also shall develop and implement an ongoing process to
41 align State programs and support materials with the revised academic
42 content standards for each core academic area every five years.
43 Alignment shall include revising ~~textbook criteria~~, support materials,
44 State tests, teacher and school administrator preparation, and ongoing

professional development programs to be compatible with content standards. The Board shall develop and make available to teachers and parents support materials, including teacher and parent guides, for academic content standards. The State Board of Education shall work in collaboration with the Board of Governors of The University of North Carolina to ensure that teacher and school administrator degree programs, ongoing professional development and other university activity in the State's public schools align with the State Board's priorities.

...."

SECTION 9. 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:

...

(6) To Regulate Fees, Charges and Solicitations. – Local boards of education shall adopt rules and regulations governing solicitations of, sales to, and fund-raising activities conducted by, the students and faculty members in schools under their jurisdiction, and no fees, charges, or costs shall be collected from students and school personnel without approval of the board of education as recorded in the minutes of said board; ~~provided, this subdivision shall not apply to such textbooks fees as are determined and established by the State Board of Education.~~ board. All schedules of fees, charges and solicitations approved by local boards of education shall be reported to the Superintendent of Public Instruction.

...

(33a) ~~To Approve and Use Textbooks Not Adopted by State Board of Education.~~ Textbooks. – Local boards of education shall have the authority to select, procure, and use ~~textbooks not adopted by the State Board of Education~~ textbooks, as provided in G.S. 115C-102. ~~G.S. 115C-98(b1).~~

...."

SECTION 10. G.S. 115C-81 reads as rewritten:

"§ 115C-81. Basic Education Program.

...

(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

...

~~(3) A list of textbooks for use in providing the curriculum;~~

...

(e1) School Health Education Program to Be Developed and Administered.

...

1 (2) The State Board of Education shall supervise the development and
2 operation of a statewide comprehensive school health education
3 program including curriculum development, in-service training
4 provision and promotion of collegiate training, learning material
5 review, and assessment and evaluation of local programs in the same
6 manner as for other programs. The State Board of Education shall
7 adopt objectives for the instruction of the subject areas listed in
8 subdivision (1) of this subsection that are appropriate for each grade
9 level. ~~In addition, the State Board shall approve textbooks and other~~
10 ~~materials incorporating these objectives that local school~~
11 ~~administrative units may purchase with State funds.~~ The State Board of
12 Education, through the Department of Public Instruction, shall, on a
13 regular basis, review materials related to these objectives, and
14 distribute these reviews to local school administrative units for their
15 information.

16 "

17 **SECTION 11.** G.S. 143A-48 is repealed.

18 **SECTION 12.** G.S. 66-58 reads as rewritten:

19 "**§ 66-58. Sale of merchandise or services by governmental units.**

20 ...

21 (c) The provisions of subsection (a) shall not prohibit:

22 ...

23 (11) The sale of textbooks, library books, forms, bulletins, and instructional
24 supplies by ~~the State Board of Education, State Department of Public~~
25 ~~Instruction, and~~ local school authorities.

26 "

27 **SECTION 13.** This act is effective when it becomes law.