

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1955**

Short Title: Study/DPI & St. Bd. of Education. (Public)

Sponsors: Representatives Yongue, Carney, Coleman, Johnson (Primary Sponsors); Adams, Alexander, Allen, Allred, Almond, Avila, Barnhart, Blackwood, Blue, Blust, Bordsen, Boylan, Braxton, Brisson, Brown, Brubaker, Bryant, Church, Clary, Cleveland, Coates, Cole, Cotham, Crawford, Cunningham, Current, Daughtride, Daughtry, Dickson, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Folwell, Frye, Gibson, Gillespie, Glazier, Goforth, Goodwin, Grady, Gulley, Haire, Hall, T. Harrell, J. Harrell, Harrison, Hill, Holliman, Holloway, Holmes, Howard, Hurley, Insko, Jeffus, Jones, Justice, Justus, Killian, Kiser, Langdon, Lewis, Love, Lucas, Luebke, Martin, McAllister, McComas, McElraft, McGee, McLawhorn, Michaux, Mobley, Moore, Neumann, Owens, Parmon, Pierce, Rapp, Ray, Ross, Samuelson, Saunders, Setzer, Spear, Stam, Starnes, Steen, Stiller, Sutton, Tarleton, Thomas, Tillis, Tolson, Tucker, Underhill, Wainwright, Walend, Walker, E. Warren, Weiss, West, Wiley, Wilkins, Williams, Womble, Wray, and Wright.

Referred to: Education, if favorable, Appropriations.

May 8, 2007

A BILL TO BE ENTITLED

AN ACT CREATING THE LEGISLATIVE SPECIAL COMMISSION ON THE EFFICIENCY AND EFFECTIVENESS OF THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is hereby created the Legislative Special Commission on Efficiency and Effectiveness of the Department of Public Instruction and the State Board of Education. The purpose of the Commission is review of the mission, structure, programs, budgets, accountability, efficiency, and effectiveness of the Department of Public Instruction and the State Board of Education.

**SECTION 2.** The Commission shall consist of five members of the House of Representatives appointed by the Speaker of the House of Representatives and five members of the Senate appointed by the President Pro Tempore of the Senate. The Speaker of the House of Representatives shall designate one representative as cochair, and the President Pro Tempore of the Senate shall designate one senator as cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

The appointments shall be made and the Commission shall begin its work prior to September 1, 2007.

1           **SECTION 3.** In performing the legislative review of the Department of  
2 Public Instruction and the State Board of Education, the Commission shall:

- 3           (1) Consider the mission of the Department to support local educational  
4 agencies in their efforts to provide high quality educational services  
5 and foster high student performance and achievement, as set out in the  
6 statutes and in the rules, policies, and practices of the Department.
- 7           (2) Evaluate the efficiency and effectiveness of the Department of Public  
8 Instruction in furthering the missions and goals of the Department,  
9 including any proposed revisions. This evaluation shall include (i) the  
10 role of the Department of Public Instruction, its administrative  
11 structure, organization, accountability, and its statutory powers and  
12 duties; (ii) the role of the State Board of Education as the head of the  
13 Department of Public Instruction, its composition, organization,  
14 independence, representation of local educational agencies and the  
15 citizens of the State on the State Board of Education, and  
16 constitutional and statutory powers and duties; and (iii) the role of the  
17 State Superintendent as secretary and chief administrative officer of  
18 the State Board, the State Superintendent's selection, and the State  
19 Superintendent's constitutional and statutory powers and duties  
20 including the election or appointment of the State Superintendent.
- 21           (3) Evaluate the efficiency and effectiveness of the statewide student  
22 testing program, the data collection and data management program, the  
23 curriculum and instruction program, the financial services program,  
24 the school support services program, and any other program within the  
25 Department that has an impact on student performance and positive  
26 educational outcomes.
- 27           (4) Assess the activities performed in each program, the major benefits  
28 provided by the program, the current funding and staffing levels for  
29 the program, the rationale for the funding and staffing levels, and the  
30 administrative and other overhead costs of the program.
- 31           (5) Determine the appropriate level of funding and staff necessary to  
32 accomplish the goals and missions of the Department.

33           **SECTION 4.** The Commission, while in the discharge of its official duties,  
34 may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through  
35 G.S. 120-19.4. The Commission may meet at any time upon the joint call of the  
36 cochairs. The Commission may meet in the Legislative Building or the Legislative  
37 Office Building.

38           The Legislative Services Commission, through the Legislative Services  
39 Officer, shall assign professional staff to assist the Commission in its work. The House  
40 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to  
41 the Commission, and the expenses relating to the clerical employees shall be borne by  
42 the Commission. The Commission may contract for professional, clerical, or consultant  
43 services as provided by G.S. 120-32.02. If the Commission hires a consultant, the

1 consultant shall not be a State employee or a person currently under contract with the  
2 State to provide services.

3 All State departments and agencies and local governments and their  
4 subdivisions shall furnish the Commission with any information in their possession or  
5 available to them.

6 **SECTION 5.** The Commission shall report the results of its study and its  
7 recommendations to the 2008 Regular Session of the 2007 General Assembly upon its  
8 convening. The Commission shall terminate upon filing its final report or upon the  
9 convening of the 2008 Regular Session of the 2007 General Assembly, whichever is  
10 earlier.

11 **SECTION 6.** There is appropriated from the General Fund to the General  
12 Assembly the sum of one hundred thousand dollars (\$100,000) for the 2007-2008 fiscal  
13 year for the expenses of the Legislative Special Commission on Efficiency and  
14 Effectiveness of the Department of Public Instruction and the State Board of Education.

15 **SECTION 7.** This act becomes effective July 1, 2007.