



## LEGISLATIVE NEWSLETTER

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### State Board of Education Update

**Entering the Legal Fray:** State Superintendent of Public Instruction Mark Johnson plans to join a court battle over a new law that moves power from the State Board of Education to him. Last month, the state board filed suit to block the legislation, House Bill 17, which was approved in a special legislative session in December, and a Superior Court judge enjoined a temporary restraining order to prevent the new law from taking effect Jan. 1.

That restraining order will remain in effect until a three-judge panel decides on the legality of the law. Johnson was in court last week as the judges decided when to hold the next hearing in the case. An attorney representing Johnson told the judges they will make a formal notice that Johnson wants to be heard as part of the lawsuit. "The voters of North Carolina entrusted me with the tremendous responsibility to bring the changes we need for our teachers and our children," Johnson told WRAL News after the hearing.

Andrew Erteschik, a lawyer representing the State Board of Education, said the board doesn't object to Johnson joining the lawsuit. Under the new law, Johnson would have more flexibility in managing the state's education budget, more power to dismiss senior-level employees, control of the Office of Charter Schools and authority to choose the leader of the new Achievement School District, which will oversee some of the lowest-performing schools in the state. The State Board of Education traditionally has had such authority.

### New Legislative Leaders Named

As lawmakers are poised for the long session to begin in earnest on Wednesday, Senate leader Phil Berger and House Speaker Tim Moore have been naming their committee leaders. Here are some of the committees NCACTE will be following:

#### Senate:

- **Education/Higher Education:** Chairs: Chad Barefoot, David Curtis, Michael Lee; Members: Deanna Ballard, Tamara Barringer, Bill Cook, Don Davis, Cathy Dunn, Chuck

Edwards, Valerie Foushee, Joyce Krawiec, Louis Pate, Ron Rabin, Erica Smith-Ingram, Jeff Tarte, Jerry Tillman, Joyce Waddell

- **Appropriations Subcommittee on Education/Higher Education:** Chairs: Chad Barefoot, David Curtis, Michael Lee; Members: Deanna Ballard, Erica Smith-Ingram, Jerry Tillman, Joyce Waddell
- **Appropriations/Base Budget:** Chairs: Harry Brown, Brent Jackson, Kathy Harrington; Members: Chad Barefoot, Andrew Brock, Angela Bryant, Jay Chaudhuri, Rick Gunn, Jeff Jackson, Paul Lowe, Louis Pate, Bill Rabon, Shirley Randleman, Gladys Robinson, Norman Sanderson, Jeff Tarte, Jerry Tillman, Tommy Tucker
- **State and Local Government:** Chairs: John Alexander, Ron Rabin, Jeff Tarte Members: Deanna Ballard, Tamara Barringer, Danny Britt, Jay Chaudhuri, Bill Cook, David Curtis, Chuck Edwards, Valerie Foushee, Rick Horner, Jeff Jackson, Michael Lee, Tom McInnis, Norman Sanderson, Mike Woodard
- **Rules:** Chair: Bill Rabon

#### House:

- **Education - K-12:** Chairs: Debra Conrad, Jeffrey Elmore, Craig Horn, Linda Johnson
- **Appropriations Subcommittee on Education:** Hugh Blackwell, John Fraley, Craig Horn, Pat Hurley
- **Appropriations:** Nelson Dollar, senior chairman, Dean Arp, John Faircloth, Linda Johnson, Donny Lambeth, Chuck McGrady
- **Education - Community Colleges:** Mark Brody, John Sauls
- **Rules, Calendar, and Operations of the House:** David Lewis

#### Other News

**State Tax Collections Outpacing Budget:** North Carolina tax collections continue to exceed budgeted expectations at the fiscal year's six-month post, improving the chances for a surplus when the year ends June 30<sup>th</sup>. The General Assembly's top staff economist wrote legislative leaders recently that taxes, fees and other revenues are \$322 million ahead of projections for the half-way mark ending Dec. 31 — or 3 percent over projections.

Almost all the increase is the result of better-than-anticipated numbers for individual income, sales, and business taxes. Legislative economist Barry Boardman says revenue growth should continue to follow its current trend – courtesy of a state economy with stable economic growth. Boardman says current collections should help offset any surprises in the second half of the year, including the April tax season.

**School Cuts:** School systems around North Carolina are letting it be known that arts and physical education programs in elementary schools may be on the chopping block this fall if state lawmakers don't back off on new limits that reduce class sizes. State lawmakers reduced how large class sizes can be starting in kindergarten through third grade, beginning this fall. But school leaders say finding the money and teachers to staff the smaller class sizes will force

them to consider options such as cutting the arts, raising class sizes in other grades and asking counties to pick up the tab.

Rep. Craig Horn, R-Union, said lawmakers were more focused last year on issues such as teacher pay raises, so the impact of the class size changes didn't get as much scrutiny. "It was not as fully thought through with regard to unintended consequences," Horn said. "So now we've got a chance to straighten it out and still have lower class sizes."

A spokeswoman for Senate Leader Phil Berger, R-Rockingham, said the GOP caucus plans to review the issue and discuss the feedback from local school districts. Horn said he thinks the Senate just ran out of time to act last month, adding that he thinks the Senate is willing to find a good resolution to the issue this session.

### Sad News

**Former Legislator Passes Away Today:** Ruth Samuelson, a former state lawmaker, died today after what her close friends said was a courageous battle with ovarian cancer. The Charlotte Republican, who was thought to be interested in running for House Speaker before retiring from the NC General Assembly, was remembered fondly by many, including former N.C. Rep. Charles Jeter, who said:

"The thing I learned from Ruth is grace," Jeter said. "You never saw her lose her cool. She was adamant in what she believed in, but she never let (differences) become personal. She was just the epitome of everything you would want in an elected official." Click [here](#) for more info in today's Charlotte Observer.

### Local News

**New Schools Planned for Asheville:** Asheville City school officials plan to open two new schools -- one for middle-school students and a Montessori-themed primary school. The district has been discussing restructuring to address the growth in the student population. The primary school will have a Montessori bent, which includes uninterrupted blocks of work time and multi-age groupings of students.

City school board members also heard plans for the new Montford school, which will provide a smaller middle school option for families. The school would emphasize science, technology, engineering, arts and math with real-world applications and community partnerships. The goal is to open the school in August with 100 sixth graders, the Asheville Citizen-Times reports.

### Quotes of the Week

*"I believe once we get in session and we all get to know each other a little better that we will find quite a bit of common ground."*

- Sen. Bill Rabon, R-Brunswick, on his hope that Republicans and Democrats – including Democratic Gov. Roy Cooper -- can find common ground on issues this year with the Republican-led legislature and the executive branch (The News & Observer, 1/22/17)

*"We don't want those individuals who have the power to arrest and to interrogate the students in the school buildings."*

- Fernando Martinez, a community organizer with the Education Justice Alliance, calling for schools to remove police officers and replace them with more counselors (The News & Observer, 1/17/17)

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