

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: Effective and Efficient Operations

Category: State Board of Education/Department of Public Instruction Operations

Policy ID Number: EEO-C-013

Policy Title: Policy delineating the delegation of authority from the State Board of Education to the Superintendent of Public Instruction and to the Chief Executive Officer

Current Policy Date: 03/04/09

Other Historical Information: Previous board dates: 01/08/1997, 06/05/1997, 09/04/1997, 10/04/1997, 11/06/1997, 12/04/1997, 03/05/1998, 11/05/1998, 10/07/1999, 12/06/2001, 12/04/2003, 02/01/2007

Statutory Reference:

Administrative Procedures Act (APA) Reference Number and Category:

Pursuant to Article IX, sec. 5 of the Constitution of North Carolina, G.S. 115C-12 and G.S. 143A-44.1 through 44.3, the State Board is responsible for the general supervision and administration of the North Carolina free public school system and is head of the Department of Public Instruction. In accordance with Article IX, sec. 4(2) and G.S. 115C-19 and 21 and G.S. 143A-44.3, the State Superintendent is the Secretary and Chief Administrative Officer of the State Board and carries out duties of the office subject to the direction, control, and approval of the State Board.

In accordance with these and other applicable laws, the State Board of Education (the State Board) hereby adopts these policies for the purposes of (1) describing the duties of the State Superintendent of Public Instruction (the State Superintendent) and the Chief Executive Officer (CEO) and (2) delegating certain powers and duties to the State Superintendent and CEO. The State Board may add to or remove from the delegated powers and duties as it may deem appropriate for the effective and efficient implementation of the State Board's authority. The State Board may further modify or repeal these policies at any time the Board deems such action appropriate.

The State Board hereby delegates to the State Superintendent the powers and duties:

1. To keep the public informed as to the problems and needs of the public schools in accordance with G.S. 115C-21(a)(2) and in alignment with State Board policy;
2. To advise the State Board promptly and fully about problems and issues

concerning the operation of the uniform system of free public schools and the education of the State's children;

3. Following approval by the Associate Superintendent for Financial and Business Services and the CEO, to execute all contracts entered into by the Department of Public Instruction on behalf of the State Board and to report these contracts to the State Board monthly as information;
4. Upon recommendation by the Associate Superintendent for Financial and Business Services and the CEO, to determine on behalf of the State Board the annual premium rate to be charged for insurance of school properties as provided by Article 38 of Chapter 115C of the North Carolina General Statutes and to report these rates to the State Board as information;
5. To execute and issue for and on behalf of the State Board documents signifying compliance with State or federal law or State Board policies or rules relating to licenses for principals, teachers, and all other school personnel required to have licenses;
6. To settle cases during litigation relating to license suspension and revocation. Department of Justice Education Section lawyer(s) and DPI and State Board staff members will advise the State Superintendent on settlement matters; and
7. Upon the receipt of a written request for reinstatement of a suspended or revoked license or for granting a new license after denial of a license, together with substantiating information, the State Superintendent will conduct an investigation sufficient to determine whether reasonable cause exists to reinstate the license or to grant a new license. The State Superintendent shall prepare and file a written recommendation concerning the request with the SBE.

The CEO shall report to the State Board. The State Board hereby delegates to the CEO the power and duty:

To manage the Department of Public Instruction on a day-to-day basis subject to the direction, control, and approval of the State Board; and

To approve all agency employment decisions for the positions of section chief and below, which decisions the CEO shall report to the State Board. The CEO shall report all employment requests for the positions of director and above to the State Board, which shall make the employment decision.