

State of North Carolina

ROY COOPER
GOVERNOR

July 21, 2017

EXECUTIVE ORDER NO. 10

ESTABLISHING THE GOVERNOR'S COMMISSION ON ACCESS TO SOUND BASIC EDUCATION

WHEREAS, "[t]he people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right," N.C. CONST. ART. I, § 15; and

WHEREAS, the State of North Carolina is invested in meeting the diverse needs of the State's children and students; and

WHEREAS, *Leandro v. North Carolina*, 346 N.C. 336 (1997) recognizes and reaffirms the State's constitutional duty to provide all North Carolina children the opportunity to receive a sound basic education; and

WHEREAS, in accordance with the requirements of the North Carolina State Constitution: (1) every classroom must be staffed by a competent, well-trained teacher and (2) every school must be staffed by a competent, well-trained principal; and

WHEREAS, in accordance with the requirements of the North Carolina State Constitution, the State of North Carolina must also identify additional, specific resources necessary to ensure that all children, including those at risk, have an opportunity to receive a sound basic education, no matter where they live in our state; and

WHEREAS, rural and underserved communities across North Carolina require a particular commitment from the State to maintain an education system that produces an educated and skilled workforce ready to compete for jobs and opportunity; and

WHEREAS, providing all North Carolina children the opportunity to obtain a sound basic education will spur economic growth and development, strengthen our workforce, increase employee wages, increase worker productivity, foster job readiness, improve health outcomes, reduce racial and gender inequality, and improve civic engagement; and

WHEREAS, the State of North Carolina has an ongoing obligation under the North Carolina State Constitution to provide all children enrolled in public schools in the State the opportunity to receive a sound basic education; and

WHEREAS, the costs of the State's inability to meet its constitutional duty are especially significant for at-risk children; and

WHEREAS, certain matters in *Hoke County Board of Education v. North Carolina* remain pending before the North Carolina Superior Court Division in the General Court of Justice for Wake County; and

WHEREAS, it is far past time for the State to implement comprehensive, inter-disciplinary measures that allocate the resources necessary to ensure that the promise of a sound basic education for children in this State is realized.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

Section I. Establishment

The Governor's Commission on Access to Sound Basic Education (the "Commission") is hereby established.

Section II. Mission Statement

The Commission shall undertake a comprehensive review, in conjunction with a subsequently selected independent consultant, to assess the State of North Carolina's ability to staff schools with competent well-trained teachers and principals and the State's commitment of resources to public education.

Section III. Membership

a. The Commission shall be composed of seventeen (17) members appointed by the Governor. Members shall represent diverse demographic and geographic regions of the state. The following representatives shall serve on the Commission:

- 1) Teacher Representative
- 2) Principal Representative
- 3) Superintendent Representative
- 4) School Board Representative
- 5) County Commissioner Representative
- 6) Business Community Representative
- 7) Workforce Board Representative
- 8) Community College Representative
- 9) University Representative
- 10) Early Childhood Education Representative
- 11) Healthcare Representative
- 12) 501(c)(3) Non-Profit Representative
- 13) Judicial Representative (To be reserved for a former member of the judiciary)
- 14) Public Safety Representative
- 15) Education Researcher Representative
- 16) School Psychologist Representative
- 17) At-Large Representative

b. The Commission will work with an independent consultant to develop detailed, comprehensive, written recommendations for specific actions necessary to achieve sustained compliance with the constitutional mandates established in *Leandro*.

c. Unless otherwise provided by subsequent Executive Order, the Commission members shall serve at least until the independent consultant identified in Section II(b) and the Commission file final recommendations. Commission members serve at the pleasure of the Governor.

d. The Commission shall be led by a five (5) member executive committee (the "Executive Committee"), with members appointed by the Governor from among the Commission's membership. Executive Committee members serve at the pleasure of the Governor. The Executive Committee shall consult with the *Leandro* parties in selecting an independent consultant to assess the importance of competent, well-trained teachers in classrooms, competent, well-trained principals in schools, and dedicated resources to meet the needs of the State's students.

e. The Department of Justice will serve as the Commission's and the Executive Committee's legal counsel.

f. Any vacancy occurring in the Commission and the Executive Committee shall be filled by the Governor.

Section IV. Duties

Commission members shall have the following responsibilities:

a. Work with the independent consultant to gather information and evidence relevant to developing a comprehensive plan to ensure compliance with the *Leandro* rulings.

- b. Formulate recommendations for achieving compliance with the *Leandro* rulings.
- c. Ensure the recommended compliance measures accomplish and address the following criteria:
 - 1. Staffing each classroom with a competent, well-trained teacher;
 - 2. Staffing each school with a competent, well-trained principal; and
 - 3. Identifying the resources necessary to ensure that all children, including those at risk, have an equal opportunity to obtain a sound basic education.
- d. Provide the Governor with advice when requested regarding other issues related to education and compliance with *Leandro*.

Section V. Meetings

- a. The Commission shall meet once a quarter and at other times at the call of a majority of the Commission. The Commission may conduct meetings using electronic conferencing or other electronic means.
- b. A simple majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

Section VI. Administration

Except as provided by this Executive Order or other law, the Executive Committee shall adopt any rules or definitions necessary to interpret the provisions of this Executive Order and adopt any rules necessary to administer the provisions of this Executive Order.

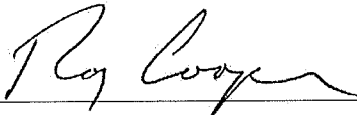
Where necessary, the Office of the Governor shall provide staff and administrative support services for the Commission in consultation with the Governor's Policy Director, Education Advisor, and Teacher Advisor, along with the North Carolina Business Committee for Education.

Commission members shall serve without compensation, but may receive necessary travel and subsistence expenses in accordance with State law and the policies and regulations of the Office of State Budget and Management.

Section VII. Effect and Duration

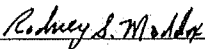
This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject and shall remain in effect until amended or rescinded by future Executive Order of the Governor.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 21st day of July, in the year of our Lord two thousand seventeen and of the Independence of the United States of America the two hundred and forty-one.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall

Chief Deputy Secretary of State

