

**Public education is governed at the federal, state, and local levels.** Voters elect U.S. Congressional members for each state, State-level Senate and House Representatives, local county commissioners, and local school board members. All of these elected officials have some role in determining policy and funding for our public schools. They are all essential in promoting and supporting healthy, well-resourced public schools.

## U.S. Congress

In 2022, North Carolina will choose all [14 of North Carolina's representatives and one senator](#) to represent North Carolina in the U.S. Congress. Because these are federal positions, their role in promoting the health of North Carolina's educational system may seem remote, but U.S. Congressional leaders play a very important role in promoting high-quality, equitable educational opportunities throughout the nation.

In 2020-21, [12% of funds for NC education came from the federal government](#), while 67% came from the state and 21% from local coffers. The federal funds flow to our state as the result of legislation enacted by the U.S. Congress.

Although the US Constitution doesn't mention education, the 10th Amendment states that "the powers not delegated to the United States by the Constitution ... are reserved to the States respectively," the 14th Amendment opens the door for federal involvement in education. It requires all states to provide "any person within its jurisdiction the equal protection of the laws."

This is where the US Congress steps in on education matters and why our choices at the ballot box are so important. The 14th Amendment gives the federal government the power to intervene where people are not being provided equal protection under the law.

For example, after the Supreme Court's *Brown v. Board of Education* decision in 1954 when many states continued segregationist policies and did not provide equal access to educational opportunities, the federal government stepped in with [The Elementary and Secondary Education Act \(ESEA\) of 1965](#). This influential piece of legislation was designed to aid low-income students and combat racial segregation in schools. However, ESEA does not contain mandates or requirements for schools. Instead, it offers funding on a conditional basis to schools that meet the requirements outlined in the relevant sections (called titles) of the legislation. Funding is often provided through grants or incentive programs.

[Title I of the 1965 Elementary and Secondary Education Act](#) is the most widely known section of ESEA and provides funds to districts that serve large numbers of low-income students. Other titles include

- Title III: provides aid for programs to support English language acquisition for English learners.
- Title IV funds programs to support a well-rounded education, safe and healthy students, and technology; after-school instruction and care; charter schools; magnet schools and family engagement in education.
- Title V focuses on programs to support rural education.
- Title VI provides aid for disabled children.

Every five years, Congress has to reauthorize ESEA, providing the opportunity to make changes. This is where the voice of our representatives and senators is essential. In 2001, ESEA was rebranded as No Child Left Behind and in 2015 it became the [Every Student Succeeds Act \(ESSA\)](#).

ESSA is only one example of federal legislation that affects education. [Title IX of the 1965 Civil Rights Act](#), as amended in 1972, bans sexual discrimination in federally funded education programs. The [1975 Education for All Handicapped Children Act](#), known today as the Individuals with Disabilities Act, or IDEA, granted the right to a free and appropriate public education for students with disabilities. [Pell Grants](#), established in 1965, are need-based grants for college and have expanded access to postsecondary education for millions of students.

The [Healthy Hunger-Free Kids Act of 2010](#), funded through the Department of Agriculture strengthened nutrition standards for meals and beverages provided through the National School Lunch, Breakfast, and Smart Snacks Programs, affecting fifty million children each year. The work of public school employees such as occupational and physical therapists bills are funded through [Medicaid](#), which also provides dental, vision, hearing, and mental health services. When the federal government expands Medicaid, students living in poverty receive much-needed health services.

Currently, the [Workforce Innovation and Opportunity Act of 2022 \(H.R. 7309\)](#) is making its way through the legislature. It passed the House in May and is now is waiting on action from the Senate. If it becomes law, it will help fund job training for adults, dislocated workers, and youth as well as support services to help participants complete training and join the workforce.

These examples are just a few of the many ways our federal legislators directly affect the lives of students throughout North Carolina.

## North Carolina Senate, House of Representatives and Courts

In the U.S, individual state governments have the primary responsibility for education, and each state determines the extent to which control is delegated to local governments. In North Carolina, the Department of Public Instruction provides statewide leadership in education, implements legislation related to education, and develops policies and guidance to support local education agencies (school districts) as they conduct the day-to-day work of educating students.

The North Carolina General Assembly (NCGA) comprises members of the N.C. Senate and House of Representatives. They make the laws that govern education within the states. The legislature can, through their statutory powers, regulate (or delegate) public preschool, primary and secondary education; license private preschools, primary, and secondary schools; and license or otherwise regulate parents providing home schooling. They also influence curricula, standards, and procedures.

Every two years, all 50 North Carolina Senate seats and 120 North Carolina House of Representative seats are elected (on even years). ***In 2022, voters have the opportunity to change the course of education in the state and elect legislators who truly value a strong public education system.***

The North Carolina State Constitution clearly establishes the General Assembly's essential role in funding public education. [Article IX Section 2 of the N.C. Constitution](#) states that "The General Assembly shall provide by taxation and otherwise for ***a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.***"

The NC General Assembly is heavily involved in setting a wide range of policies that impact every school district and develops the state budget that provides about 67% of the education funding in

October 2022

North Carolina. About 10% comes from the federal government and the remaining 23% on average comes from local coffers. In 2021, the federal portion was a bit higher, at 12%.

However, communities across the state vary widely in their ability to supplement the state and federal dollars so the **state dollars provide the critical baseline for equity and quality**. In each budget, our state legislators make decisions about whether to fully fund the numerous programs that affect public education. For example, they could choose to raise teacher salaries to a competitive level, boost pay for child-care workers, and fully fund all of the provisions of the Leandro plan. The decades-long Leandro case is an example of what may result when the NCGA doesn't fulfill its constitutional obligations ([read our fact sheet on Leandro](#)).

The NCGA also establishes policies and regulations such as high school graduation requirements and teacher certification standards that directly affect all public schools. They make policies that are frequently tied to the funding decisions as well as operations for the local school district such as the school calendar and the number of days of instruction required. Recent legislative actions include:

- Setting educator salaries and policies around raises, bonuses, and promotions.
  - Determined the base rates for [teacher, principal, and other educational staff salaries](#)
  - Tied principal salaries to 1 year of test score growth.
- Established the A-F School Performance Grades ([read our fact sheet](#)).
- Significantly reduced funding for the NC Teaching Fellows Program in 2010, effectively eliminating the program as of 2015 and then establishing a scaled-back version in 2017.
- Funded school safety programs, workforce development programs, early college programs
- Authorized voucher programs in 2013 and greatly expanded funding for them in 2021 and 2022 ([read our fact sheet](#)).
- Established numerous policies in areas such as school discipline, school safety, and curriculum.

The NCGA is also directly responsible for providing resources for our higher education systems including the North Carolina Community College System and the University of North Carolina system. The health of the postsecondary education and adult education opportunities available to North Carolinians almost solely rests in the hands of the legislators who will be elected this fall.

**Judges.** The Leandro case highlights the importance of our courts in ensuring a quality system of free public education for all students in the state. It is not an exaggeration to say that the future of education in North Carolina hinges on the North Carolina Supreme Court's decision on whether to require the NCGA to meet the requirements of our state constitution and properly fund public education to ensure a sound, basic education for all students. Other issues over the past decade decided by the NC Supreme Court include allowing school vouchers and the extent to which charter schools must follow state guidelines. For example, are charter schools legally bound to provide accurate enrollment numbers to the state? These and other issues are decided by the judges elected by NC voters.

In 2022, two of seven N.C. Supreme Court seats and four of fifteen NC Court of Appeals seats are up for grabs. These seats will decide consequential cases for years to come.

## North Carolina Board of Commissioners

In North Carolina, the Board of Commissioners serves as the governing body in each of our 100 counties. They are typically made up of five or seven County Commissioners, though some counties may have as many as nine or as few as three commissioners. County Commissioners are elected in

even-numbered years in partisan seats in conjunction with other federal or state elections to 2-year or 4-year terms, depending on the county.

North Carolina counties carry out the many services that are mandated by state and federal governments. County Commissioners have financial responsibility for their county, which includes adopting the budget each year and setting property tax rates. The county has responsibility over a wide range of areas including:

- Public Safety (e.g. sheriff's office, county courthouses, emergency medical services, fire districts)
- Health & Human Services (e.g. social services, mental health, public health, COVID response)
- Housing Affordability (e.g. subsidized housing, veterans housing services)
- Elections (e.g. staffing polling locations, maintaining voting machines)
- Education (e.g. K-12, community colleges, early childhood and pre-K programs) funding at the local level. County funds provide nearly a fourth of the K-12 funding, on average, in each county.

County Commissioners play an important role in public education. In N.C., the state requires that counties build, equip, and maintain all school facilities. In counties with growing student populations, the need for new schools can be a substantial drain on county budgets. The state pays the bulk of educator salaries, but to attract and maintain staff many school districts add local supplements and extra benefits to bolster salaries. Districts may also fund additional classroom personnel such as teacher assistants and many provide additional equipment, books, and other supplies to supplement what the state provides each school.

The annual budget for the local school district is submitted to the Board of Commissioners by the district school board. Each year, the County Commissioners decide how much of their school district's requests they will fund. When the state and federal funds are insufficient to meet the needs of a county, the County Commissioners must decide whether the needs remain unmet or whether (and how) to raise the funds to make up the deficit needed. There are few available options and the most commonly used are property taxes and other locally-assessed fees. To build or renovate schools, more countries use general obligation bonds to build schools which are also funded by property taxes.

[Tax rates by county vary widely in North Carolina](#), from a low of 31.8 cents in Watauga County to 99 cents per \$100 in assessed property value in Scotland County. Wake and Mecklenburg Counties, with the two largest school districts in N.C., have property tax rates of 61.95 cents and 61.69 cents per \$100 assessed property value respectively. Often, counties with fewer property resources must tax themselves at higher rates to pay for services that wealthier counties can afford through higher levels of revenue often from businesses that help lower the tax rate. This local wealth difference is the source of many school inequities across the state. Persistent underfunding from the N.C. General Assembly puts even more pressure on local communities to fill the gaps. With approximately 23% of school budgets coming from county funds, these wealth differences can result in substantial differences in resources for students.

County commissioners make many key decisions that affect the quality of life in your local community, especially when it comes to funding your public schools. It is important to ask candidates for county commission about their support for keeping our schools upgraded for health and safety purposes, how they view paying teacher supplements, their support for adding additional helping professionals or pre-K slots, and more. Understanding their willingness to invest local funds for these purposes should be a part of the information you need to be an informed public education voter. When you think about your

October 2022

vote for this elected board, make sure your selected candidates support adequately funding our public schools.

## Where the Rubber Hits the Road: School Board Members

No elections get closer to our children's schools than the local public school board elections. The past few years have highlighted this fact more than ever before as policies around COVID safety, book choices, instructional decisions, suspension/expulsion policies, program offerings such as year-round or magnet schools, bell schedules and other topics have generated a lot of interest and often sparks at many school board meetings. School board members who exhibit respect for educators and sound, calm leadership in the service of a quality public education system that serves all children in their community are more important than ever.

In North Carolina, all public school board members are elected and must reside within the community served by the school district. Ideally, having community members serve on the school board helps to keep members invested in the health of the public schools since schools have such a large influence on the overall health of a community. Note that charter school boards are required to have only 50% of their members reside in N.C. and private schools have no state residency requirement at all.

According to [N.C. General Statutes](#), local school boards have broad authority to determine policies regarding how schools are run, as long as they focus on the education of students.

"It shall be the duty of local boards of education to provide students with the opportunity to receive a sound basic education and to **make all policy decisions with that objective in mind, including employment decisions, budget development, and other administrative actions**, within their respective local school administrative units, as directed by law."§ 115C-47 (4)

There are several primary responsibilities of the boards of education as they endeavor to ensure a high-quality education for every student while meeting the requirements of state law:

- Provide leadership and direction by developing goals and objectives to meet stated established standards for student success
- Create policies that guide the operations, standards, accountability and evaluations of the school districts
- Employ the superintendent and make decisions about the superintendent's personnel recommendations
- Determine operating and capital budgets, present the budget to county commissioners and advocate for appropriate funding
- Oversee the management of the school district's major systems including budget and finance, curriculum and instruction, personnel and other services
- Approve student assignment boundaries

Equally important, school board members set the tone for community engagement on educational issues. Do the members respect educators and treat them as professionals? Do they respect parents and community members and welcome their feedback? Do they engage in civil discussions with each other and move toward solving problems collaboratively? Do they always keep the **health and education of all students** as their primary goal?

A detailed description of the powers and duties of the local boards of education is included in [state statute](#). It's a very long list highlighting the extent to which school board members influence all aspects of school district functioning. To adequately fulfill these duties and to be strong advocates, school

October 2022

board members work to understand what's happening on a daily basis in schools throughout the district.

Local school boards also engage parents and communities in developing successful programs. Guidelines are explicitly stated in the statute. For example, "Local boards of education are encouraged to adopt policies to promote and support parental involvement in student learning and achievement at school and at home and to encourage successful progress toward graduation."

By law, school boards must hold monthly meetings that are open to the public and provide opportunities for public comment. The transparency and openness of public schools and school boards are unique among educational offerings in North Carolina. Neither charter schools nor private schools have the same requirements for parental and community involvement or public engagement in board meetings.

In North Carolina, school boards do not have taxing authority; as noted earlier state legislators provide the bulk of the funding. However, county commissioners also have a say in how much of the school district's budget request will be funded each year. Having a school board that works to establish a good working relationship between the county commissioners and state legislators is important.

According to N.C. General Statutes, local school boards were originally designed to be elected on a non-partisan basis. However, state lawmakers have the authority to change this and over the years many school board elections have been changed to partisan races. In 2015 only 16 of the 115 districts in N.C. held partisan school board elections. This year, there are 43. If your district holds partisan elections, the party affiliation of all candidates will appear on the ballot.

The counties with yellow stars currently hold partisan school board elections.



The need for strong public school systems that help develop successful individuals, healthy communities and strong economies is obvious to people across the political spectrum. Make sure to research your local school board members to understand whether they will be true advocates for our students and promote healthy, fully-funded public school systems that respect educators and treat them as the professionals they are.