

EXECUTIVE ORDER NO. 28
ENSURING NEEDS OF SCHOOL CHILDREN ARE MET GIVEN INCREASE IN
STUDENT ENROLLMENT, BUDGET DEVELOPMENTS, AND SCHOOL
OPENINGS

In September 2001, the General Assembly ratified and I, as Governor, signed a budget for the State of North Carolina that allocated funds to pay for the expected increase in the kindergarten-12th grade (K-12) student population during the 2002-03 fiscal period.

The increase in school children for '02-'03 made in 2001, calculated by tallying local school administrative units' Average Daily Membership (ADM), was underestimated. As a result, in the budget adjustments I submitted to the General Assembly for the '02-'03 period, I recommended additional funding for the public schools in order to meet the costs associated with the actual ADM increase. Both the state Senate and state House agreed with my recommendation as to the amount of additional funding needed to meet the actual ADM increase. Each house's agreement is reflected in the budget bills passed in June and August, respectively.

As of today, the budget adjustment legislation which will include the ADM funding increase has not been finally ratified by the General Assembly and signed into law by me. However, public school classes have begun across the state. And school systems and communities are being forced to meet the greater needs posed by the increase in student enrollment. In addition, state court monitoring of North Carolina's effort to ensure a sound, basic education for every student continues.

NOW THEREFORE, in light of the factual circumstances set forth above, and under the legal authority vested in me as Governor by, among other provisions, Article I, section 15 (which states that "[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") and Article III of the Constitution of North Carolina, and N.C.G.S. § 143-23, I hereby AUTHORIZE and INSTRUCT:

The State Budget Officer, working with the Superintendent of Public Instruction and local school systems, to provide monies sufficient to cover the costs associated with the increased number of children in grades K-12 now attending North Carolina's public schools.

This Executive Order is effective August 29th, 2002.

Done in the Capital City of Raleigh, North Carolina, this 29th day of August 2002.

MICHAEL F. EASLEY
GOVERNOR

ATTEST:

ELAINE F. MARSHALL
SECRETARY OF STATE