Historic veto by Perdue overturned

BY GARY D. ROBERTSON
The Associated Press

RALEIGH — A North Carolina state government budget written by Republicans that cuts taxes, scales back environmental controls and trims courts and dozens of agencies became law Wednesday despite Democratic Gov. Beverly Perdue’s arguments it would eliminate tens of thousands of jobs.

The two-year spending plan took effect after the Republican-led Senate agreed Wednesday afternoon to override Perdue’s veto on a party-line vote of 31-19. The House mustered a similar majority earlier Wednesday after midnight with the help of five Democrats.

The override means the budget, which spends $19.7 billion for the year starting July 1, will take effect. It lets temporary taxes expire, meaning the base sales tax consumer's pay will be cut by a penny, from 7.75 percent to 6.75 percent. Additional taxes for the highest wage earners and corporations, approved in 2009 by Democrats during the depths of the Great Recession, also won’t be renewed.

Eliminating the temporary taxes was a top priority of the first Republican majority in 140 years. Their insistence on ending the taxes became a key reason why enough House Democrats agreed to cut a deal and the GOP won a significant victory over Perdue in what's become a divided state government.

"I don't think we've done any more than what we promised the people of the state we would do," said Sen. Don East, R-Surry, during the override debate.

Perdue, fellow Demo-

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people less safe because fewer state troopers and police officers will be on their beats.

The House made quick work of an override, getting the three-fifths majority needed on the first day the chamber could consider the question. After the House override vote, Perdue said she would keep fighting for public education despite the defeat. She had no additional comment following the Senate vote, Perdue spokeswoman Chrissy Pearson said.

Republicans argue their opponents overstate job losses and don’t take into account more than $250 million in federal funds the local districts have yet to spend for preserving education positions. The tax breaks alone in the budget will generate nearly 15,000 jobs, the GOP has said.

The budget spends about $220 million less than Perdue had proposed and lets temporary taxes approved by the Democratic majority in 2009 expire on time. Legislators spent about $258 million less on public education than Perdue proposed, or about 2.3 percent less.

"A lot of the rhetoric has gotten to be overblown," Senate leader Phil Berger, R-Rockingham, said.

VETO

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crats and a chorus of allied groups argued that extending the sales tax would have prevented all the deep spending cuts in the Republican budget. State education officials said the budget would lead to the elimination of 13,000 public education jobs, of which 3,200 comes from the University of North Carolina system.

Another group that supported additional revenues estimated the two-year budget would cause a net loss of 30,000 public and private sector positions, particularly when lost Medicaid funding is taken into account.

"Someday we’re going to be looking at some of these cuts and we’re going to say this is the time where we turned away" from education, said Sen. Linda Garrou, D-Forsyth, former budget-writing chief under Democratic rule. "I never thought I’d see the day when it would come to this."

Perdue said in her veto message Sunday the bill will do untold damage to the public schools and higher education, damage the environment and make
Thank God for Gov. Perdue and her budget veto. If your child has larger classes and does not perform well, you will blame the school. There is no do-over for your child when the budget gets better. Yes, there will be a generational gap.

My daughter is in college and wants to be a teacher. As a parent, it is becoming increasingly difficult for me to watch her train for her passion knowing she is likely to get a pink slip over politics. We hear about teacher's unions in other states and the problems they cause. Those events are NOT occurring here in N.C. Teacher pay here is among the lowest in the nation.

I work in the community college system. We are doing everything we can to train and re-train North Carolina's workforce. We are already stretched close to the breaking point, period. It's the old adage, give a person a fish or teach them how. You can continue to pay unemployment benefits, Medicaid and food assistance or you can allow us the resources to bring our economy out of the mess it is in.

Like you, I do not like over taxation but look at the facts. Folks, we are now experiencing extreme circumstances. Education is the best investment we can make. If I can train people to earn twice the money in just over a year, just look at the return on investment for a moment. That student and their family will enjoy a greater quality of life, North Carolina will be a more attractive place for employers, and that individual will pay considerably more taxes on these additional earnings for their entire career. It's a win-win no matter how you spin it. Temporarily extending the one-cent sales tax will make a huge difference now for the future. Give us the resources to do our work before it's too late.

BILLY MOZINGO
Greenville
N.C. Association of Educators held an "Our kids are worth a penny" protest at the Legislative Building. From left are Carson Jones, 8; Jasmine Moore, 6; Julia Frutig, 7; and Debbie Kelly, teacher assistant from Moore County.

### Teachers feel sting of defeat as Senate overrides veto

BY LYNN BONNER - Staff writer
June 16, 2011

Disappointed teachers looked on Wednesday afternoon as the Senate negated Gov. Bev Perdue's veto and gave final approval to a $19.7 billion budget.

The Senate's 31-19 party-line vote capped a historic series of actions that saw the first budget veto by a North Carolina governor and the first override of that vetoed budget. House members started their day Wednesday with an override ride vote taken shortly after midnight.

The budget debate centered on education spending and whether the state should extend a temporary 1-cent sales tax increase. Perdue, a Democrat, wanted to extend part of the sales tax increase, but the Republican-controlled legislature won the argument and enacted a budget without it.

The state plans to spend about 56 percent of the budget on K-12 public schools, community colleges and universities. The N.C. Association of Educators, and most Democrats, fought the budget hard, saying it would harm public education and cost teachers and teacher assistants their jobs.
Republicans have called the complaints overblown and emphasize how close their budget is to Perdue's. Excluding costs for the pre-school program for at-risk children that the legislature moved from education to Health and Human Services, the GOP budget spends about $37 million less on K-12 education than Perdue suggested.

Senators said they were proud of what they accomplished in allowing temporary taxes to expire, adding money to hire 1,100 teachers, and of their intentions to pursue a pay-for-performance plan for teachers and other state employees.

Senate leader Phil Berger called the actions "policy changes that are long overdue."

The budget includes $121 million in 2012-13 for merit raises, and Berger met with former Gov. Jim Hunt on Wednesday morning to talk about ways to measure teacher effectiveness. Hunt has an education institute named after him that’s working on the issue.

"They've indicated in the Senate their interest in doing that," Hunt said. "He asked if we'd help them."

Berger said measuring teacher effectiveness to determine which teachers qualify for merit increases will be critical to the pay plan.

Republican legislators say they have paid for all teachers and teacher assistant positions, and that the state budget is not to blame for the layoff notices they are getting.

"These pink slips are not our doing," Sen. Jerry Tillman, an Archdale Republican, said. But local districts, who have to figure out how to make an additional $124 million in discretionary cuts, are cutting programs and jobs in response the state budget.

Jill Elberson, a middle school technology and math teacher in Randolph County, said she lost her job when the district cut its middle school technology program. A district spokesman said the cut is a consequence of the state budget.

Elberson, who has taught for six years, said her school is left with an elective business course that does not include instruction on commonly used software. And she is looking for work.

"I don't know how I'm going to make it if I don't get a job," she said.

Hunt sees 'steps back'
The override is a blow to Perdue, who campaigned against the budget for weeks.

Hunt, a Democrat, said he too was disappointed in the budget.

"I regret we have taken some steps back," he said.
The budget included a 20 percent cut to one of his signature achievements, the early childhood program Smart Start, and budget opponents say it will drop North Carolina to next-to-bottom in states' per-pupil spending on education. And the debate this year has brought teachers low, Hunt said.

Dejected teachers, some of whom watched both the House and Senate turn back Perdue's veto, walked quietly from the Senate gallery following the afternoon vote.

David Beaver, a veteran high school history teacher, had to take a few minutes to gather his thoughts before answering questions about the Senate override.

Beaver, who teaches in Davidson County, says he's sad about the prospects for young people who want to become teachers.

"There's no reason to believe a job will be available for them down the road with the cutbacks we have," he said. "This budget sends a horrible message that education is not our top priority."

lynn.bonner@newobserver.com or 919-829-4821
Their way

Leaders of the first Republican majority in the General Assembly in 100 years have proclaimed their budget realistic for these times, when the state was facing a $2.5 billion budget gap, and they insist that it's the product of compromise. They take satisfaction, no doubt, in overriding Gov. Beverly Perdue's veto and handing her a major political defeat. The House did so after midnight early yesterday. The Senate followed yesterday afternoon.

The GOP-crafted budget hinges on major cuts in virtually all state agencies, particularly in the Department of Environment and Natural Resources. To help balance the books, Republicans also moved money from trust funds that are intended to promote better health for young people and invest in land conservation. And they forced substantial cuts on public school districts without specifying where those cuts should (or could) be made.

Some smoke and mirrors were involved, in other words. But up to now this budget has been up on the lift in the legislative garage.

Starting July 1, the rubber meets the road. And for many state workers, particularly for those who likely will be out of their jobs, the ride is going to be rough.

No picnic awaits those who still will be working. They'll have more work to do in the same amount of time, much of that work performing services for the public. Regulators and inspectors will be pushed to the limit, as Republicans who were bent on using the budget to help business interests who claim they've been overregulated succeeded in diminishing the investment in oversight.

All that said, dedicated state workers will get their jobs done, although there have been no raises for them (unless they're employed by the generous House Speaker Thom Tillis) and though the loads they carry will be heavier.

Republicans say they met Perdue halfway, but that's a curious definition of halfway. Yes, there appears on the surface to be little difference in their budget for K-12 schools and the governor's. But they sliced and diced two solid early childhood programs, More at Four and Smart Start. And mandatory budget cutting in local school districts is expected to require job layoffs in the thousands. Community colleges and public universities also took hits (and yes, Perdue made cuts as well, though more judicious).
What we do know about the consequences for public education is that North Carolina now will drop near the bottom in the country in per-pupil spending. No rhetoric, no "spin," will change the humiliation and harm in that. And in a state where courts have upheld every student's right to the opportunity for a "sound basic education," the fight over education funding might be just beginning.

The governor's less-damaging budget reflected a politically courageous decision to support continuation of part of a 1-cent sales tax boost passed in 2009. It was set to expire, but Perdue favored letting three-fourths of it continue for a while, which would have brought in over $800 million, saving many jobs. Perhaps in a more reasonable time, without the anti-government tea partiers looking over Republican shoulders, lawmakers could have come back with an offer to keep half the tax. But the GOP - which in the end drew five Democratic House members to help with their veto override - didn't budge.

As to whether that is smart budget gamesmanship or stubborn partisanship, only time can take the measure.
Fix is in

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How do they offend thee? Let us count the ways.

In passing a bill instructing the University of North Carolina system and the state's community colleges not to consider the accreditation of a student's high school when it comes to admissions standards, a majority of the state House engages in seriously inappropriate interference in the operation of public higher education. That majority, led by Wake County Republican Reps. Paul "Skip" Stam, Nelson Dollar and Marilyn Avila, compounds the mistake by in effect supporting a lowering of standards.

And add some more compound interest: The measure, now being considered in the state Senate, is clearly an attempt to give some cover to Republicans on the Wake school board, who risked throwing the schools into chaos by upending a working student assignment policy in the name of disregarding economic diversity in student populations. As his party's leader in the House, Stam especially should have had the judgment to avoid entangling a local partisan agenda with broader policy affecting high school students across the state.

As a result of the school board's actions, the agency that accredits most North Carolina high schools, AdvancED from Georgia, has issued a critical report and required the school board to correct problems or face the loss of accreditation of high schools. That could hurt students' chances of college admission.

Problems? Accreditation at risk? Here's the solution: Just lower the bar and forget about accreditation altogether. That's the ticket. The House majority also ordered that accreditation be handled by the State Board of Education, at the expense of school districts. The state board is under the scope already, with Republican lawmakers wanting to restructure the operation and cut its budget substantially, and local districts have no money to spare. Right hand, meet left hand. It appears you are not acquainted.

That university admissions standards shouldn't be set (or upset) on Jones Street is obvious. What's next? Determining what types of history are taught on campus? Eliminating sociology because it has a liberal bent?

Then there's the problem with the fact that the legislature can't lower the standards in other states, where North Carolina students from a non-accredited high school might also face problems.
This attempt to dilute standards is the opposite of what lawmakers should be doing. But perhaps it should come as no surprise, given the sizable budget reductions that Republicans have aimed a public education in general.

And another hitch in their plans may be looming. Wake Superior Court Judge Howard Manning Jr., who is charged by the state Supreme Court with overseeing implementation of the high court's long-standing ruling that all students in the state are entitled to an equal chance to get a "sound basic education," has scheduled a hearing on June 22 to examine what cuts in public education might do to that court-supported guarantee. Manning, a Republican, is a no-nonsense advocate for public school students who has spent time in the state's poorer districts and classrooms.

The last thing that the university system and the community colleges need is a directive from ideologically-driven legislators to subvert their own admissions processes, and the last thing the Wake system officials (and Burke County, also facing accreditation problems) need is permission to not meet standards.

Too much is roiling in public education, and in the General Assembly, these days to add another issue that is potentially harmful to students and represents improper interference on the part of self-interested lawmakers.
As I sit in my classroom, I am starting to wonder why I care. Why do I care to create appropriate activities that will keep my students engaged and learning the last week of school, since all I supposedly care about is my pay and pension? Why do I care whether or not my students learn and grow as students and young adults, if all I care about is my pay and pension?

Why do I ache when I have to tell students who worked hard all year and used extended time on their End of Grade test that they did not pass and have to retake? Why do I get excited when a student who has never been good at math has a "smart math moment"?

Why do my colleagues and I give 25+ hours of our own time to plan, decorate and clean up after a dance for the eighth graders so they have a memorable year before going to high school? Why do I want to know the joys and sorrows, the celebrations and hardships of my students, if all I care about is my pay and pension?

Why did I choose middle school, helping young adults through one of the most challenging times of their lives, as their bodies and minds are growing and changing so rapidly? Why do I keep a folder of students' notes, thanking me for a good year, their pictures they drew, mementos of my time with them, if all I care about is my pay and pension? Why do I get to school early and leave late? Why do I give up time at home nightly to grade papers, plan the next day's lesson, or just think about the good and the bad of my job?

Why do I spend my summers doing professional development, re-energizing for the next year, and keeping current with the latest research? Why are all these things indicative of 95 percent of the teachers in my school, if all we care about is our pay and pension?

This job is hard enough when teachers only have to deal with the normal daily expectations and pressures. When I read some of the comments that have been made and how the teaching profession appears to be viewed by some, it cuts to the core.

I did not enter this profession for the pay and pension; I could have chosen a different career with less stress, better pay and more respect. Thankfully, I have my students' respect, because the lack of respect teachers get from the lawmakers that are supposed to be supporting us (and the future of this state) is appalling.

Claire A. Capps

Hillsborough
The University of North Carolina at Chapel Hill announced Wednesday night that it would release phone records and parking tickets sought by The News & Observer and other media companies in the wake of an NCAA investigation of the UNC football program.

The university's decision came on the same day that the state Court of Appeals denied UNC's request to delay the release of those records as it appealed an April 19 Wake Superior Court ruling in the media organizations' favor by Judge Howard Manning.

Wednesday's ruling vacated a June 2 order in which the university had been granted a temporary reprieve from releasing the records, which UNC officials have maintained are private, citing federal student privacy protection laws.

The N&O and The Charlotte Observer, both McClatchy newspapers, joined in a lawsuit last year with the DTH Media Corp., which publishes the UNC-CH student newspaper, The Daily Tar Heel; News 14 Carolina, a cable TV station operated by Time Warner Entertainment-Advance/Newhouse Partnership; WTVD Television; Capitol Broadcasting, which owns WRAL-TV; The Associated Press; and Media General Operations.
UNC-CH Chancellor Holden Thorp, athletics director Dick Baddour, football coach Butch Davis and Jeff McCracken, head of the UNC-CH public safety department, were named as defendants in the suit, which sought all documents relating to investigations into the UNC football program.

The NCAA began investigating the program last July in an inquiry that initially focused on improper benefits that agents delivered to Tar Heels football players. The investigation eventually expanded to include possible academic violations involving a tutor.

**NCAA wrapping up inquiry**

Last week, UNC received a formal notice from the NCAA declaring that the NCAA intended to complete its investigation later this month. The Tar Heels entered last summer as a preseason favorite to dominate the Atlantic Coast Conference and contend for a Bowl Championship Series bid. As the investigation continued, however, associate head coach John Blake resigned, 14 Tar Heels players were held out for at least one game, and seven were sidelined for the entire 2010 season.

The Tar Heels finished 8-5, with a dramatic, double-overtime win over Tennessee in the Music City Bowl.

The News & Observer and other media organizations filed suit in October, arguing that records they sought are public under North Carolina law, which states that records, documents and other information generated by state agencies and institutions such as UNC-CH should be - with limited exceptions - made public.

The university cited FERPA - the Family Educational Rights and Privacy Act - as justification for withholding phone records and parking tickets requested by The N&O.

In a statement after the suit was filed, Thorp said the university had a responsibility to protect the privacy rights of all its students, "whether they're on the football team, in the marching band or in a Chemistry 101 class."

"So this is really not about the football investigation," Thorp said. "If this ruling were to stand, it would put the privacy rights of all of our students at risk.

"We have provided more than 23,000 pages of documents in response to the plaintiffs' requests. That includes hundreds of pages of phone records in redacted form. We have even offered to provide the parking tickets with personally identifying information removed. We have done our best to comply with N.C. public records law and our federal obligation to protect student information at the same time."

Judge Manning ordered the university to hand over the documents in question last month, saying that university officials did not have to reveal the identities of student tutors working with athletes.
At 9:04 p.m., media lawyer Amanda Martin received an email from university counsel Leslie Strohm indicating that university parking tickets and phone records cited in the suit were available for pickup.

Staff writer Robbi Pickeral contributed to this report.

lorenzo.perez@newsobserver.com or 919-829-4643
RALEIGH Reacting to high school accreditation fights in Wake and Burke counties, state legislators have changed the admissions policies for every university in the University of North Carolina system and every state community college.

Under a bill passed Tuesday by the state Senate, state-run colleges, universities and community colleges would be prohibited from considering whether a student came from an accredited school when making admissions, scholarship and loan decisions. The only exception would be accreditation from a state agency.

The bill would direct the State Board of Education, which formerly accredited schools, to resume the practice. School districts could request the accreditation at their own expense.

The bill now goes to Gov. Bev Perdue, whose office did not immediately respond to questions Wednesday about whether she would sign the bill.

The legislation is aimed at the private nonprofit groups that accredit most of the nation's high schools.

AdvancED, a Georgia-based group, has warned that it might remove accreditation from high schools in Burke and Wake counties over questions about how both school systems are being governed.

"Hopefully passage of this bill will send a message to AdvancED that they're being too overbearing," Ron Margiotta, Republican chairman of the Wake County school board, said Wednesday.

Wake board member Kevin Hill, a Democrat, called the legislation short-sighted.

"With the money they are already withdrawing from education," Hill said, "I don't know how they are going to pay for the ongoing mechanism that would be necessary to accredit all the schools in the state of North Carolina."

**AdvancED's charges**

In March, AdvancED accused the Wake school board of regularly violating its own policies as it made key strategic decisions such as eliminating the use of socioeconomic diversity as a factor in student assignment.
The group, which investigated after the state NAACP complained about school board operations, gave Wake a year to make changes.

Loss of accreditation could make it harder for students to get into some universities or receive some scholarships and financial aid.

Key Republican legislators responded to the agency's probes by introducing the legislation in March.

The votes were largely along party lines in both the House, which passed the bill June 6, and Senate.

State Rep. Paul Stam, an Apex Republican and House Majority leader, has called AdvancED a "big bully."

He notes N.C. School Boards Association support of the legislation to deflect charges of partisanship.

Hannah Gage, chairwoman of the UNC Board of Governors, said she doubted the bill would significantly change students' admissions to schools. Gage noted that the system has adjusted in the past 15 years to accepting students from nonaccredited educational settings such as home schools.

"When we make admissions decisions, it's not based on the institution," Gage said. "It's based on the student. We can tell if a student is qualified."

Mark Elgart, president of AdvancED, said the bill will hurt students going to out-of-state universities that won't accept state accreditation. "It's a short-sighted bill does at the request of special interests," he said.

Wake's decision

Wake leaders will have to decide whether to cut ties with AdvancED and seek state accreditation.

Wake school board member Chris Malone and other GOP board members have accused AdvancED of exceeding its mission by looking into issues such as student assignment.

"I applaud the General Assembly for what they've done," Malone said. "It certainly gives us options we need to consider."

But Hill thinks the bill is designed to circumvent the investigation of Wake's high schools by AdvancED.

Elgart said the bill won't change their investigations even if it causes Wake and Burke to drop out.
"We will continue to work with school systems that place value in our accreditation," he said.

keung.hui@newsobserver.com or 919-829-4534
State Treasurer Janet Cowell on Wednesday named Lacey Barnes as the interim chief of the health plan.

Barnes has been deputy administrator under Jack Walker who is stepping down at the end of the month.

Walker, who has led the state health plan since 2008, announced his retirement earlier this year but said he would stay on through the budget negotiations.

"Ms. Barnes has an extensive background in health care management and I am confident that she will continue to be a valuable asset to the Plan," Cowell said in a statement. "Her knowledge and experience will be critical as the Department of State Treasurer assumes management of this important benefits system."

Barnes was appointed deputy executive administrator in February 2009 and joined the State Health Plan as chief operating officer in July 2008.

Cowell said there will be a national search for a new executive director.