

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

D

HOUSE BILL 159
Committee Substitute Favorable 3/9/21
Committee Substitute #2 Favorable 3/31/21
Fourth Edition Engrossed 4/1/21
Senate Education/Higher Education Committee Substitute Adopted 6/16/21
PROPOSED SENATE COMMITTEE SUBSTITUTE H159-PCS10517-TC-46

Short Title: Education Law Changes.

(Public)

Sponsors:

Referred to:

March 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. FLEXIBILITY FOR SCHOOL EMPLOYEES TO RECEIVE ANNUAL**
6 **SALARY IN 12 MONTHLY INSTALLMENTS THROUGH A PAYROLL DEDUCTION**
7 **PLAN**

8 **SECTION 1.(a)** G.S. 115C-302.1(b) reads as rewritten:

9 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months.
10 Except for career and technical education agriculture teacher personnel positions as provided for
11 in this subsection, State-allotted months of employment for career and technical education to
12 local boards shall be used for the employment of teachers of career and technical education for a
13 term of employment to be determined by the local boards of education. Beginning with the
14 2018-2019 school year, career and technical education agriculture teacher personnel positions
15 serving students in grades nine through 12 shall be for a term of employment for 12 calendar
16 months. A local board of education may fund these positions using any combination of State
17 funds, local funds, or any other funds available to the local board.

18 ...

19 Any individual teacher who is not employed in a year-round school may be paid in 12
20 monthly installments if the teacher so requests on or before the first day of the school year. The
21 request shall be filed in the local school administrative unit which employs the teacher. Local
22 school administrative units shall fulfill this requirement through a payroll deduction plan. The
23 payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the
24 teacher's annual salary nor in any other way alter the contract made between the teacher and the
25 local school administrative unit. Teachers employed for a period of less than 10 months shall not
26 receive their salaries in 12 installments.

27 Notwithstanding this subsection, the term "daily rate of pay" for the purpose of
28 G.S. 115C-12(8) or for any other law or policy governing pay or benefits based on the teacher
29 salary schedule shall not exceed one twenty-second of a teacher's monthly rate of pay."

30 **SECTION 1.(b)** G.S. 115C-316(a)(2) reads as rewritten:

31 "(2) School Employees Paid on an Hourly or Other Basis. – Salary payments to
32 employees other than those covered in G.S. 115C-272(b)(1), 115C-285(a)(1)



* H 1 5 9 - P C S 1 0 5 1 7 - T C - 4 6 *

1 and (2), 115C-302.1(b) and 115C-316(a)(1) shall be made at a time
2 determined by each local board of education. Expenditures for the salary of
3 these employees from State funds shall be within allocations made by the State
4 Board of Education and in accordance with rules and regulations approved by
5 the State Board of Education concerning allocations of State funds: ~~Provided,~~
6 ~~that school funds.~~ School employees employed for a term of 10 calendar
7 months or 11 calendar months in year-round schools shall be paid in 12 equal
8 ~~installments: Provided further, that any~~ installments. Any individual school
9 employee employed for a term of 10 calendar months or 11 calendar months
10 who is not employed in a year-round school may be paid in 12 monthly
11 installments if the employee so requests on or before the first day of the school
12 year. Such request shall be filed in the administrative unit which employs the
13 employee. Local school administrative units shall fulfill this requirement
14 through a payroll deduction plan. The payment of the annual salary in 12
15 installments instead of 10 or 11 shall not increase or decrease said annual
16 salary nor in any other way alter the contract between the employee and the
17 said administrative unit. Employees may be prepaid on the set pay date for
18 days not yet worked. An employee who fails to attend scheduled workdays or
19 who has not worked the number of days for which the employee has been paid
20 and who resigns or is dismissed shall repay to the local board any salary
21 payments received for days not yet worked. An employee who has been
22 prepaid and who continues to be employed by a local board but fails to attend
23 scheduled workdays may be subject to dismissal or other appropriate
24 discipline. The daily rate of pay shall equal the number of weekdays in the
25 pay period. Included within the term of employment shall be provided for
26 full-time employees annual vacation leave at the same rate provided for State
27 employees, computed at one-twelfth (1/12) of the annual rate for State
28 employees for each calendar month of employment, to be taken under policies
29 determined by each local board of education. On a day that employees are
30 required to report for a workday but pupils are not required to attend school
31 due to inclement weather, an employee may elect not to report due to
32 hazardous travel conditions and to take one of his annual vacation days or to
33 make up the day at a time agreed upon by the employee and his immediate
34 supervisor or principal. On a day that school is closed to employees and pupils
35 due to inclement weather, the employee shall work on the scheduled makeup
36 day. Included within their term of employment, each local board of education
37 shall designate the same or an equivalent number of legal holidays occurring
38 within the period of employment as those designated by the State Human
39 Resources Commission for State employees."
40

41 PART II. REVISE STUDENT MEAL DEBT REPORT

42 SECTION 2. Section 2.3(a) of S.L. 2020-80 reads as rewritten:

43 "SECTION 2.3.(a) No later than October 15, ~~2021,~~ 2023, the State Board of Education shall
44 report to the Joint Legislative Education Oversight Committee on unpaid meal charges in local
45 school administrative units. At a minimum, the report shall include the following information:

- 46 (1) The percentage of students of all grade levels in each local school
47 administrative unit who (i) qualify for and participate in reduced-price meals
48 and (ii) do not carry an unpaid meal charge.
- 49 (2) The total amount of debt carried by each local school administrative unit
50 related to unpaid meal charges.

- 1 (3) Summaries of approaches adopted by each local school administrative unit
2 regarding unpaid meal charges.
3 (4) Options for a statewide policy on the uniform administration of unpaid meal
4 charges in local school administrative units. Every option shall ensure that
5 students are not prevented from receiving nutritious meals because of an
6 unpaid meal charge."
7

8 **PART III. SCHOOL NUTRITION PROGRAM REPORT**

9 **SECTION 3.(a)** The Department of Public Instruction shall require all local school
10 nutrition programs to submit the following information by September 15, 2021, in relation to the
11 2018-2019, 2019-2020, and 2020-2021 school years:

- 12 (1) The starting, ending, and average total fund balance for the school year.
13 (2) The starting, ending, and average operating balance for the school year.
14 (3) The starting and ending net cash resources for the school year.
15 (4) The amount of funds generated by sales, including supplemental sales, if any,
16 in the school year. If funds are generated from sales to students, the amount
17 for a full price meal, reduced price meal, and the amount of funds generated
18 by the sale of a la carte items.
19 (5) The amount of funds received by the program from the National School
20 Breakfast and Lunch Program.
21 (6) The amount of additional funds received by the program in the school year
22 from federal appropriations provided for the purpose of addressing the
23 impacts of COVID-19.
24 (7) The amount, if any, received in local appropriations for the program.
25 (8) The total operating costs of the program for the school year.
26 (9) The average cost per meal for preparation of a student lunch.
27 (10) The average age of the kitchen infrastructure, by school, within the program.
28 (11) The amount and percentage of indirect costs charged to the program by the
29 local school administrative unit, if any.

30 **SECTION 3.(b)** The Department of Public Instruction shall compile the responses
31 from each local school nutrition program and shall provide the compiled responses to the Joint
32 Legislative Education Oversight Committee by December 15, 2021.
33

34 **PART IV. CLARIFY CHARTER SCHOOL APPLICATION FEE**

35 **SECTION 4.** G.S. 115C-218.1(c) reads as rewritten:

36 "(c) ~~The State Board shall establish reasonable fees of no less than five hundred dollars~~
37 ~~(\$500.00) and no more than~~ A fee of one thousand dollars (\$1,000) shall be charged by the State
38 Board for initial and renewal charter applications, in accordance with Article 2A of Chapter 150B
39 ~~of the General Statutes.~~ applications. No application fee shall be refunded in the event the
40 application is rejected or the charter is revoked."
41

42 **PART V. STATE BOARD OF EDUCATION REQUIRED TO USE RULEMAKING TO** 43 **ADOPT STANDARDS**

44 **SECTION 5.(a)** G.S. 115C-12 reads as rewritten:

45 "**§ 115C-12. Powers and duties of the Board generally.**

46 The general supervision and administration of the free public school system shall be vested
47 in the State Board of Education. The State Board of Education shall establish all needed rules
48 and regulations for the system of free public schools, subject to laws enacted by the General
49 Assembly. Except as otherwise provided by law, the State Board of Education shall adopt any
50 rules, regulations, policies, standards, or statements of general applicability in accordance with
51 Chapter 150B of the General Statutes. Any such rules, regulations, policies, standards, or

1 statements of general applicability are not valid unless they are adopted in substantial compliance
2 with Chapter 150B of the General Statutes. In accordance with Sections 7 and 8 of Article III of
3 the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer
4 and Council of State member, shall administer all needed rules and regulations adopted by the
5 State Board of Education through the Department of Public Instruction. The powers and duties
6 of the State Board of Education are defined as follows:

7"

8 **SECTION 5.(b)** Notwithstanding G.S. 150B-21.2, the current standards that make
9 up the standard course of study adopted pursuant to G.S. 115C-12(9c) and Part 1 of Article 8 of
10 Chapter 115C of the General Statutes, which are subject to rulemaking as provided in Chapter
11 150B of the General Statutes, shall be deemed permanent rules so long as they meet the following
12 criteria:

- 13 (1) The standards were adopted by the State Board of Education prior to January
14 1, 2021.
- 15 (2) The State Board of Education submits the standards to the Codifier of Rules
16 in accordance with the formatting requirements in 26 NCAC 02C no later than
17 60 days after this section becomes effective.

18 Permanent rules submitted in accordance with this subsection shall be effective on
19 the date they are submitted to the Codifier of Rules.

20 **SECTION 5.(c)** Any standards that make up the standard course of study that do not
21 meet the criteria of subsection (b) of this section shall not be deemed permanent rules and shall
22 be subject to the provisions of Chapter 150B of the General Statutes. The standard course of
23 study shall continue to be revised on the time line provided in the comprehensive plan developed
24 by the State Board of Education under G.S. 115C-12(9c) and in accordance with the rulemaking
25 process under Chapter 150B of the General Statutes.

26 **SECTION 5.(d)** When the Codifier of Rules enters the permanent rules submitted
27 pursuant to subsection (b) of this section into the North Carolina Administrative Code, the
28 Codifier shall publish notice of the permanent rules on the internet.

29 **SECTION 5.(e)** Section 3(b) of S.L. 2019-82 reads as rewritten:

30 "**SECTION 3.(b)** The requirements of G.S. 115C-81.45(d), as amended by subsection (a)
31 of this section, shall apply to all students entering the ninth grade in the ~~2021-2022-2022-2023~~
32 school year."

33 **SECTION 5.(f)** This section is effective when it becomes law.

34 35 **PART VI. BONUSES FOR TEACHERS AND INSTRUCTIONAL SUPPORT** 36 **PERSONNEL IN SCHOOLS FOR STUDENTS WITH VISUAL AND HEARING** 37 **IMPAIRMENTS**

38 **SECTION 6.(a)** No later than 30 days after the date this act becomes law, the
39 Department of Public Instruction, within funds available, shall administer a one-time lump sum
40 bonus of three hundred fifty dollars (\$350.00) to every teacher who, as of April 1, 2021, is
41 employed as a teacher in a school for students with visual and hearing impairments. It is the intent
42 of the General Assembly that the bonuses provided pursuant to this section will complement the
43 bonuses provided to other teachers in Section 2 of S.L. 2020-45.

44 **SECTION 6.(b)** As used in this section, the following definitions shall apply:

- 45 (1) Teacher. – Teachers and instructional support personnel.
- 46 (2) School for students with visual and hearing impairments. – A public school
47 governed by the State Board of Education under Article 9C of Chapter 115C
48 of the General Statutes.

49 **SECTION 6.(c)** The bonuses awarded pursuant to this section shall be in addition to
50 any regular wage or other bonus the teacher receives or is scheduled to receive.

1 **SECTION 6.(d)** Notwithstanding G.S. 135-1(7a), the bonuses awarded pursuant to
2 this section are not compensation under Article 1 of Chapter 135 of the General Statutes,
3 Retirement System for Teachers and State Employees.

4 **SECTION 6.(e)** The bonuses awarded pursuant to this section do not apply to any
5 teacher no longer employed as a teacher due to resignation, dismissal, reduction in force, death,
6 or retirement or whose last workday is prior to April 1, 2021.

7 **SECTION 6.(f)** Funds provided pursuant to this section shall supplement the
8 compensation of a public school employee and shall not supplant any existing compensation
9 funds.

10
11 **PART VII. EFFECTIVE DATE**

12 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
13 law.