GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

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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 Senate Finance Committee Substitute Adopted 6/30/21 PROPOSED SENATE COMMITTEE SUBSTITUTE H159-PCS30578-RQ-21

Short Title:	ort Title: Education Law Changes. (Publ			
Sponsors:				
Referred to:				
	March 1, 2021			
	A BILL TO BE ENTITLED			

1 2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS. 3 The General Assembly of North Carolina enacts: 4 5 PART I. REMOVE CODIFIED REFERENCE TO POWERSCHOOL 6 **SECTION 1.** G.S. 115C-12(18)e. reads as rewritten: 7 "e. When practicable, reporting requirements developed by the State 8 Board of Education as part of the Uniform Education Reporting System under this subdivision shall be incorporated into the 9 10 PowerSchool application or any other component of the Instructional Improvement System student information system to minimize 11 duplicative reporting by local school administrative units." 12 13 14 PART II. MODIFY SCHOOL CRISIS KIT REQUIREMENTS 15 SECTION 2. G.S. 115C-105.52 reads as rewritten: "§ 115C-105.52. School crisis kits. 16 17 The Center for Safer Schools, in consultation with the Department of Public Safety and the Department of Public Instruction, Division of School Operations, may develop and adopt policies 18 19 on the placement of school crisis kits in schools and on the contents of those kits. The kits should 20 include, at a minimum, basic first-aid supplies, supplies and communications devices, and other 21 items recommended by the International Association of Chiefs of Police.devices. 22 The principal of each school, in coordination with the law enforcement agencies that are part 23 of the local board of education's School Risk Management Plan, may place one or more crisis 24 kits at appropriate locations in the school." 25 26 PART III. SCHOOL NUTRITION CHANGES 27 SECTION 3.(a) The title of Part 2 of Article 17 of Chapter 115C of the General 28 Statutes reads as rewritten: 29 "Part 2. Food Service. School Nutrition." 30 **SECTION 3.(b)** G.S. 115C-263 reads as rewritten: 31 "§ 115C-263. Required provision of School nutrition services.



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General Assembly Of North Carolina 1 (a) As a part of the function of the public school system, local boards of education shall 2 provide to the extent practicable school food-nutrition services in the schools under their 3 jurisdiction. All school food-nutrition services made available under this authority shall be 4 provided in accordance with standards and regulations recommended by the Superintendent of 5 Public Instruction and approved by the State Board of Education. federal guidelines established 6 by the Food and Nutrition Service of the United States Department of Agriculture. 7 The State Board of Education may adopt rules regulating the provision of school (b) 8 nutrition services that impose additional restrictions that are not inconsistent with the federal 9 guidelines." 10 **SECTION 3.(c)** G.S. 115C-264 reads as rewritten: 11 "§ 115C-264. Operation. 12 (a) In the operation of their public school nutrition programs, the public schools Local 13 boards of education operating school nutrition programs shall participate in the National School 14 Lunch Program established by the federal government. The program School nutrition programs shall be under the jurisdiction of the Division of School Support, Child Nutrition Services 15 16 Nutrition of the Department of Public Instruction and in accordance with federal guidelines as 17 established by the Food and Nutrition Service of the United States Department of Agriculture.Instruction. 18 19 For nutritional purposes, the public schools shall not (i) use do any of the following: (b) 20 (1) Use cooking oils in their school food-nutrition programs that contain 21 trans-fatty acids or (ii) sell-acids. 22 Sell processed foods containing trans-fatty acids that were formed during the (2) 23 commercial processing of the foods. 24 (c) All school food-nutrition services shall be operated on a nonprofit basis, and any 25 earnings therefrom over and above the cost of operation as defined herein shall be used to reduce 26 the cost of food, to serve better-more nutritious food, or to provide free or reduced-price lunches 27 meals to indigent economically disadvantaged children and for no other purpose. The term "cost 28 of operation" means the actual cost incurred in the purchase and preparation of food, the salaries 29 of all personnel directly engaged in providing food-nutrition services, and the cost of nonfood 30 supplies as outlined under standards adopted by the State Board of Education. "Personnel" means child school nutrition supervisors or directors, bookkeepers or other staff directly engaged in 31 32 food service nutrition services record keeping keeping, and those persons directly involved in 33 preparing and serving food. Child School nutrition personnel shall be paid from the funds of food 34 services the school nutrition program only for services rendered in on behalf of the child school 35 nutrition program. Any cost incurred in the provisions and maintenance of school food nutrition 36 services over and beyond the cost of operation shall be included in the budget request filed 37 annually by local boards of education with boards of county commissioners. Public schools Local 38 boards of education are not required to comply with G.S. 115C-522(a) in the purchase of supplies 39 and food for such school food nutrition services." SECTION 3.(d) G.S. 115C-264.2 reads as rewritten: 40 41 "§ 115C-264.2. Vending machine sales. 42 Each school may, with the approval of the local board of education, sell to students (a) 43 beverages in vending machines during the school day so long as: if the following requirements 44 are met: 45 Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at (1)46 elementary schools, or (iii) contrary to the requirements of the National 47 School Lunch Program: Program. 48 Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, (2)49 are not offered for sale in middle schools; until 30 minutes after the end of the 50 school day.

Session 2021

	General Assemb	bly Of North Carolina	Session 2021		
1 2	(3)	Not more than fifty percent (50%) of the offerings for schools are sugared carbonated soft drinks;	sale to students in high		
3 4	(4)	Diet carbonated soft drinks are not considered in the sa carbonated soft drinks; and drinks.	ame category as sugared		
5 6	(5)	Bottled water products are available in every sch vending.	nool that has beverage		
7	. ,	ing in subsection (a) of this section prohibits a school	from adopting stricter		
8	1 1	pect to beverage vending.			
9		k vending in all schools shall, by school year 2006			
10		of the NC Eat Smart Nutrition Standards, such that in st			
11 12		rages established by the Food and Nutrition Service griculture. In elementary schools, no-snack vending is			
12	-	middle and high schools, seventy five percent (75%) of			
13 14		we more than 200 calories per portion or snack vending	01		
15		FION 3.(e) G.S. 115C-264.3 is repealed.	package.		
16	510				
17	PART IV. REM	IOVE REFERENCE TO REGIONAL CASE MANA	GERS		
18		FION 4. Section 5(b) of S.L. 2021-8 reads as rewritten:			
19	"SECTION	5.(b) Regional case managers, directors, or other approp	riate staff as determined		
20	by the Department of Public Instruction, shall work to ensure that the standards developed by the				
21		mplemented statewide by reviewing the curriculum and			
22		administrative unit in each service area and by consultin			
23		nit as needed to bring literacy instruction into con			
24		all literacy instruction statewide shall be complete no la			
25 26	2023. Modifications shall be implemented into curriculum and instruction as soon as possible,				
26 27		m and instruction as modified under this section shall be	in place beginning with		
27	the 2024-2025 sc	nioor year.			
28 29	PART V EXTR	END PRINCIPAL LICENSE EXEMPTION			
30		FION 5. Section 1(c) of S.L. 2021-170 reads as rewritte	en:		
31		1.(c) To be eligible for the waiver in subsection (b) of th			
32		llowing criteria prior to being licensed as a school admi			
33	(1)	Prior to August 31, 2022, August 31, 2024, the indivi			
34		one course as part of a master's degree program or a	post-master's certificate		
35		designed for school administrators that was offered by	an educator preparation		
36		program approved by the State Board of Education.			
37	(2)	The individual completed a master's degree progr			
38		certificate designed for school administrators that is	•		
39	(2)	preparation program approved by the State Board of I			
40 41	(3)	The individual meets all licensure requirements in St	tate law, rule, or policy		
41 42		not otherwise waived by this section."			
42 43	PART VI REV	ISE ALLOWABLE LITERACY FUND USES			
44		FION 6. G.S. 115D-31(b1) reads as rewritten:			
45		al community college may use all State funds allocated t	to it. except for Literacy		
46		mized Training funds, for any authorized purpose that			
47	college's Institutional Effectiveness Plan. The State Board of Community Colleges may authorize				
48	a local community college to use up to twenty percent (20%) of the State Literacy funds allocated				
49	to it to provide employability skills, job-specific occupational and technical skills, and				
50		ducation instruction to students concurrently enrolled in			
51	college literacy	-course. Each local community college shall inclu	de in its Institutional		

Effectiveness Plan a section on how funding flexibility allows the college to meet the demands 1 2 of the local community and to maintain a presence in all previously funded categorical 3 programs." 4 5 PART VII. CONFORM APPRENTICESHIP TO FEDERAL LAW 6 SECTION 7.(a) G.S. 115C-11.10 reads as rewritten: 7 "§ 115D-11.10. Definition of an apprentice. 8 The term "apprentice" means a person at least 16 years of age who is covered by a written 9 apprenticeship agreement approved by the Apprenticeship Council, which Council. The apprenticeship agreement provides for not less than 2,000 hours of reasonably continuous 10 employment for the person for his or her participation in an approved schedule of work 11 12 experience shall provide for a term of apprenticeship measured by a time-based, competency-based, or hybrid approach, as required by 29 C.F.R. § 29.5, and for organized, 13 14 related supplemental instruction in technical subjects related to the trade. A minimum of 144 hours of related supplemental instruction for each year of apprenticeship is recommended. The 15 required hours measures for apprenticeship agreements and the recommended hours for related 16 17 supplemental instruction may be decreased or increased in accordance with standards adopted by 18 the apprenticeship committee or sponsor, subject to approval of the State Board of Community 19 Colleges. Colleges, consistent with the requirements of 29 C.F.R. Part 29." 20 **SECTION 7.(b)** G.S. 115C-11.11 reads as rewritten: 21 "§ 115D-11.11. Contents of agreement. 22 Every apprentice agreement entered into under this Article shall contain: 23 The names of the contracting parties. (1)24 (2)The date of birth of the apprentice. 25 A statement of the trade, craft, or business which the apprentice is to be taught, (3) 26 and the time at which the apprenticeship will begin and end. 27 (4) A statement showing (i) the number of hours to be spent by the apprentice in 28 work on the job term of apprenticeship and measurement approach, as 29 required by 29 C.F.R. § 29.5, and (ii) the number of hours to be spent in related 30 and supplemental instruction, which is recommended to be not less than 144 31 hours per year. In no case shall the combined weekly hours of work and of 32 required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age 33 34 of the apprentice. 35 A statement setting forth a schedule of the processes in the trade or industry (5) division in which the apprentice is to be taught and the approximate time to 36 37 be spent at each process. 38 A statement of the graduated scale of wages to be paid the apprentice and (6) 39 whether the required school time shall be compensated. 40 A statement providing for a period of probation of not more than 500 hours of (7)employment and instruction extending over not more than four months, during 41 42 which time the apprentice agreement shall be terminated by the Director at the 43 request in writing of either party, and providing that after the probationary 44 period the apprentice agreement may be terminated by the Director by mutual 45 agreement of all parties or canceled by the Director for good and sufficient 46 reason. The Council at the request of a joint apprentice committee may 47 lengthen the period of probation. A provision that all controversies or differences concerning the apprentice 48 (8) 49 agreement which cannot be adjusted locally in accordance with G.S. 115D-11.9 shall be submitted to the Director for determination. 50

	General Assemb	oly Of North Carolina	Session 2021
1 2 3 4 5	(9)	A provision that an employer who is unable to fu under the apprentice agreement may with the appro the contract to any other employer; provided, that the that the other employer agrees to assume the oble agreement.	val of the Director transfer he apprentice consents and
6 7 8	(10)	Any additional terms and conditions as may be pre- Director not inconsistent with the provisions of this	
o 9	PART VIII. PEI	RMIT COMMUNITY COLLEGES TO COLLAB	ORATE WITH PUBLIC
10		LIC SCHOOLS FOR CERTAIN PROGRAMS	
11	SECT	TION 8. G.S. 115D-20(4) reads as rewritten:	
12	"(4)	To apply the standards and requirements for adm	nission and graduation of
13		students and other standards established by the S	•
14		Colleges. Notwithstanding any law or administrativ	
15		community colleges are permitted to offer the follo	
16		a. Subject to the approval of the State Board	• •
17		local community colleges may collabo	
18		administrative units public school units and	<u>nonpublic schools</u> to offer
19		courses through the following programs:	
20		1. Cooperative innovative high school	
21 22		Part 9 of Article 16 of Chapter 1150	
22 23		2. Academic transition pathways for c high school students that lead to a	
23 24		certificate, diploma, or State or indu	
25		and academic transition pathways f	
<u>2</u> 6		sophomore high school students tha	
27		education certificate or diploma	
28		engineering technologies, (ii)	
29		resources, (iii) transportation techno	ology, (iv) construction, or
30		(v) business technologies.	
31		3. College transfer pathways requiring	_
32		of 30 semester credit hours of tr	-
33		English and mathematics, for the fol	-
34		I. Qualified junior and senior h	
35 36		II. Qualified freshman and	1 0
30 37		students, if all of the followi A. The student is deter	mined to be academically
38			instrated readiness for the
39			have the maturity to justify
40			nmunity college by (i) the
41			president, (ii) the student's
42			incipal or equivalent
43		0 1	ii) the academically gifted
44			is employed by the high
45		school or local schoo	ol administrative unit.
46			ates in academic advising
47		-	ications of being admitted
48			n representatives from the
49		high school and the c	
50		-	t or guardian has given
51		consent for the stude	nt to participate.

	General A	Assemb	oly Of N	orth Carolina	Session 2021
1 2 3 4			<u>a1.</u>	Subject to the approval of the Stat local community colleges may administrative units to offer coo programs, as provided by Part 9 of	collaborate with local school perative innovative high school
5 6 7			b.	<u>General Statutes.</u> During the summer quarter, person permitted to take noncredit courses	on a self-supporting basis, subject
8 9 10 11			c.	to rules of the State Board of Comm High school students may be perm safe driving on a self-supporting bas summer.	itted to take noncredit courses in
12 13 14			d.	High school students 16 years and noncredit courses, except adult promulgated by the State Board of 0	basic skills, subject to rules
15 16	DADT IN			AROLINA PRINCIPAL FELLOV	WG AND NODTH CADOLINA
10 17				S CHANGES	VS AND NORTH CAROLINA
18	теасні			(a) The title for Article 5C of Chapte	r 116 of the Conoral Statutas reads
10	as rewritte		101 9.	(a) The fife for Afficie 5C of Chapte	1 110 of the General Statutes leads
20			lina Driv	ncipal Fellows and Transforming Pri	ncipal Preparation Program "
20	INUI			(b) G.S. 116-74.41 reads as rewritten	1 1 0
22	"8 116.7			Carolina Principal Fellows and	
23	§ 110-7		bership.		-115-Commission established,
23 24	(a)		-	lished the North Carolina Principal F	allows and TP3 Commission. The
24 25	. ,			e its powers and duties independently	
26 27	Carolina I	Principa	ıl Fellow	vs and Transforming Principal Prepar or of the Program shall staff the	ration-Program in accordance with
28 29	responsib	le for av	varding	e Education Assistance Authority as grants upon selection of the recipients	s by the Commission in accordance
30 31 32		ervice, o	collectin	l executing agreements for forgiva g, and otherwise enforcing the agree ession Laws 2018-5, s. 10A.3(a), eff	ments under G.S. 116-74.48.
33	(b)	-	•	ion shall consist of 15 members appo	
34			T 1		
35		(10)		hairperson chair of the Board of	
36			Author	rity. <u>Authority, or the chair's designee</u>	<u>).</u>
37		"			
38				(c) G.S. 116-74.41A reads as rewritt	en:
39	"§ 116-74				
40	For th	e purpo	ses of th	is Article, the following definitions a	apply:
41		•••			
12		(2)	Comm	ission. – The North Carolina Princip	al Fellows and TP3 C ommission.
13 14		(0)	Duo ano	m The North Coroline Dringing I F	llows and Transforming Dringing
14 15		(9)		m. – The North Carolina Principal Fe	
15 16			r repar	ation Program established pursuant t	0 0.3. 110-74.44.
46 17		···	Traced	Fried The Nexth Constitute D. '	rol Follows and TD2 Tract F 1
17 10		(13)		Fund. – The North Carolina Princip	pai reliows and 1P3-Irust Fund
8		OD OP		shed pursuant to G.S. 116-74.41B."	
9				(d) G.S. 116-74.41B reads as rewritt	
50	"§ 116-74	.41B. '	I'he Nor	th Carolina Principal Fellows and	-TP3 -Trust Fund.

General Assembly Of North Carolina

1 2	(a) Trust Fund Established. – The North Carolina Principal Fellows and TP3-Trust Fund shall be an institutional trust fund established pursuant to G.S. 116-36.1. All funds appropriated			
3	to, or otherwise received by, (i) the Program for the award of grants pursuant to G.S. 116-74.44,			
4	(ii) all funds received as repayment of scholarship loans, including under the former Principal			
5	Fellows Program administered under G.S. 116-74.42 and the Transforming Principal Preparation			
6	Program under G.S. 116-209.77, and (iii) all interest earned on these funds shall be placed in the			
7	Trust Fund.			
8				
9	SECTION 9.(e) G.S. 116-74.44 reads as rewritten:			
10	"§ 116-74.44. North Carolina Principal Fellows and Transforming Principal Preparation			
11	Program established; administration.			
12	(a) Established. – There is established the North Carolina Principal Fellows and			
13	Transforming Principal Preparation Program as a competitive grant program for eligible entities			
14	for the purpose of elevating educators in North Carolina public schools by transforming the			
15	preparation of principals across the State and providing for forgivable scholarship loans to the			
16	participants of those school leader preparation programs. The Authority shall administer the			
17	North Carolina Principal Fellows and Transforming Principal Preparation Program in			
18	collaboration with the Commission as set forth in this Article to provide funds for the preparation			
19	and support of highly effective future school principals in North Carolina.			
20	\dots "			
21 22	SECTION 9.(f) G.S. 116-74.49 reads as rewritten:			
22	" § 116-74.49. Staff to the Commission. The Commission shall appoint a director of the North Carolina Principal Fellows and			
23 24	Transforming Principal Preparation Program. The director shall chair and staff the Commission			
25	and shall administer the extracurricular enhancement activities of the Program. The University			
26	of North Carolina System Office shall provide office space for the Program. The office space			
20	shall not be located on the campus of a constituent institution."			
28	SECTION 9.(g) G.S. 116-209.61(b)(3) reads as rewritten:			
29	"(3) The following five members shall serve as ex officio members to the			
30	Commission:			
31	a. The North Carolina Teacher of the Year.			
32	b. The North Carolina Principal of the Year.			
33	c. The North Carolina Superintendent of the Year.			
34	d. The chair of the Board of the State Education Assistance			
35	Authority. Authority, or the chair's designee.			
36	e. The Director of the North Carolina Teaching Fellows Program."			
37				
38	PART X. EXPAND NCSSM BOARD OF TRUSTEES			
39	SECTION 10.(a) G.S. 116-233(a) reads as rewritten:			
40	"(a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees			
41	of the School, which shall consist of up to 30-31 members as follows:			
42	(1) Thirteen Fourteen members who shall be appointed by the Board of Governors			
43	of The University of North Carolina, one from each congressional district.			
44	(2) Four members without regard to residency who shall be appointed by the			
45	Board of Governors of The University of North Carolina.			
46	(3) Three members, ex officio, who shall be the chief academic officers,			
47	respectively, of constituent institutions or the members' designees. The Board			
48	of Governors shall in 1985 and quadrennially thereafter designate the three			
49	constituent institutions whose chief academic officers or officers' designees			
50	shall so serve, such designations to expire on June 30, 1989, and quadrennially			
51	thereafter.			

General Assem	bly Of North Carolina	Session 2021
(4)	The chief academic officer of a college or university than a constituent institution, ex officio, or the cl designee. The Board of Governors shall designate in thereafter which college or university whose chie officer's designee shall so serve, such designation to e and quadrennially thereafter.	hief academic officer's 1985 and quadrennially of academic officer or
(5)	Three members appointed by the General	Assembly upon the
	recommendation of the President Pro Tempore of th with G.S. 120-121.	v 1
(6)	Three members appointed by the General recommendation of the Speaker of the House accordance with G.S. 120-121.	• 1
(7)	Repealed by Session Laws 2016-126, 4th Ex. Sess., s. 19, 2016. See editor's note for applicability.	36, effective December
(8)	The president of the student government, ex officio, w member.	ho shall be a nonvoting
(9)	Up to two additional nonvoting members selected a chancellor and the Board of Trustees, with terms ex year."	
SEC	TION 10.(b) This section becomes effective July 1, 20	023. In accordance with
G.S. 116-233(a)	, as amended by this section, the member appointed to	the position created by
this section shall	be appointed to a term ending June 30, 2027.	
	RIFY ELIGIBILITY OF DISABLED VETERANS H OLARSHIP PROGRAMS	FOR PATRIOT STAR
SEC	TION 11.(a) Section 8.3(c)(3) of S.L. 2021-180, as am	ended by Section 2.8(a)
	reads as rewritten:	
"(3)	Eligible disabled veteran. – Any person who is (i) a paper pursuant to sub-sub-subdivision 3. of sub-subdivision	b. of subdivision (2) of
	this subsection, (ii) completed, and (iii) is a veteran w	who meets the following
	<u>criteria:</u>	stained a maion illuses.
	a. <u>Incurred traumatic injuries or wounds or su</u>	e e
	while a member of the Armed Forces during a emergency, or training in preparation for fu	-
	injuries, wounds, or illness are a direct result	
	duty.	or service in the fine of
	b. Is receiving compensation of at least fifty per	rcent (50%) as rated by
	the U.S. Department of Veterans Affairs for a	· · · ·
	the injuries, wounds, or illness identified	-
	sub-subdivision a. of this subdivision.	
	c. <u>Is a resident of North Carolina when schola</u>	rship documentation is
	completed.	
	<u>d.</u> <u>Is attending or has been accepted to enroll in an</u>	n eligible postsecondary
	institution."	
	TION 11.(b) Section 8.19(c)(3) of S.L. 2021-180, as am	ended by Section 2.8(b)
	reads as rewritten:	
"(3)	Eligible disabled veteran. – Any person who (i) is a pa	6
	pursuant to sub-sub-subdivision 3. of sub-subdivision	
	this subsection and (ii) is a veteran who meets the foll	-
	a. Incurred traumatic injuries or wounds or su while a member of the Armed Forces during a	

	General Assembly Of	North Carolina Session 2021
1		emergency, or training in preparation for future conflicts, and the
2		injuries, wounds, or illness are a direct result of service in the line of
3		duty.
4	<u>b.</u>	Is receiving compensation of at least fifty percent (50%) as rated by
5		the U.S. Department of Veterans Affairs for a disability connected to
6		the injuries, wounds, or illness identified in accordance with
7		sub-subdivision a. of this subdivision.
8	<u>C.</u>	Is a resident of North Carolina at the time of scholarship
9		documentation completion."
10	SECTION 1	1.(c) This section is effective July 1, 2021, and applies to applications
11	for scholarship awards s	ubmitted on or after that date.
12		
13	PART XII. EFFECTIV	VE DATE
14	SECTION 1	2. Except as otherwise provided, this act is effective when it becomes
15	law.	