



# HOUSE BILL 159: Education Law Changes.

2021-2022 General Assembly

<b>Committee:</b>	Senate Education/Higher Education.	<b>If Date:</b>	June 8, 2022
	favorable, re-refer to Rules and Operations of the Senate		
<b>Introduced by:</b>	Reps. Torbett, Blackwell	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to Sixth Edition H159-CSRQ-21		Kara McCraw Samantha Yarborough Committee Counsel

**OVERVIEW:** *The Proposed Committee Substitute to House Bill 159 would remove the contents of the 6th edition and instead do the following:*

- *Remove codified reference to PowerSchool.*
- *Modify school crisis kit requirements.*
- *Make changes to school nutrition laws.*
- *Remove a reference to "regional case managers".*
- *Extend the principal license exemption until August 31, 2024.*
- *Revise use of certain community college funds to conform to requirements of the federal Workforce Innovation and Opportunity Act.*
- *Revise requirements for apprenticeship programs to align with federal Department of Labor standards for registration of apprenticeship programs.*
- *Clarify that community colleges may enroll high school students from public school units and nonpublic schools in academic transition and college transfer pathways.*
- *Rename the North Carolina Principal Fellows and Transforming Principal Preparation Program as the North Carolina Principal Fellows Program.*
- *Allow the chair of the State Education Assistance Authority Board to designate a member to serve in the chair's place for certain commissions.*
- *Expand the Board of Trustees at the North Carolina School of Science and Mathematics.*
- *Clarify the definition of eligible disabled veteran for the Patriot Star Family Scholarship Programs.*

## **PART I: REMOVE CODIFIED REFERENCE TO POWERSCHOOL**

**CURRENT LAW:** G.S. 115C-12(18)e. requires, when practicable, reporting requirements developed by the State Board of Education as part of the Uniform Education Reporting System to be incorporated into the PowerSchool application or any other component of the Instructional Improvement System.

**BILL ANALYSIS:** Part I would remove the reference to the specific PowerSchool application and instead refer to "school information system."

## **PART II: MODIFY SCHOOL CRISIS KIT REQUIREMENTS**

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# House 159 PCS

Page 2

**CURRENT LAW:** G.S. 115C-105.52 authorizes the Center for Safer Schools to develop and adopt policies on the placement of school crisis kits in schools and on the contents of those kits. The kits should include, at a minimum, basic first-aid supplies, communications devices, and other items recommended by the International Association of Chiefs of Police.

**BILL ANALYSIS:** Part II would remove the requirement that school crisis kits include items recommended by the International Association of Chiefs of Police.

## **PART III: SCHOOL NUTRITION CHANGES**

**CURRENT LAW:** Part 2 of Article 17 of Chapter 115C sets out the requirements for school nutrition services provided by local school administrative units. G.S. 115C-263 requires local boards of education to provide school nutrition services to the extent practicable. G.S. 115C-264 additionally requires local boards to participate in the National School Lunch Program and follow the federal guidelines established by the United States Department of Agriculture in 7 CFR 210.

G.S. 115C-264.2 establishes the requirements for local boards to sell beverages in vending machines during the school day. 7 CFR 210.11 sets out the federal requirements for competitive food and beverage sales, including sales through vending machines. Currently, the federal requirements for competitive foods and beverages are more strict than G.S. 115C-264.2.

G.S. 115C-264.3 authorizes the State Board of Education to establish statewide nutrition standards for school meals. The standards adopted by the State Board under this statute are not as restrictive as the federal standards in 7 CFR 210 and are not being followed by schools participating in the National School Lunch Program.

**BILL ANALYSIS:** Part III would modify the vending machine sales restrictions to align with the federal competitive food and beverage standards. It would repeal G.S. 115C-264.3 to provide clarity on school nutrition standards to local boards of education participating in the National School Lunch Program. Part III would additionally make various clarifying and technical changes.

## **PART IV: REMOVE REFERENCE TO REGIONAL CASE MANAGERS**

**CURRENT LAW:** Section 5(b) of S.L. 2021-8 requires regional case managers or other appropriate staff to work to ensure literacy standards developed by the State Board of Education are implemented statewide.

**BILL ANALYSIS:** Part IV would change "regional case managers" to "regional directors."

## **PART V: EXTEND PRINCIPAL LICENSE EXEMPTION**

**CURRENT LAW:** Section 1 of S.L. 2021-170 requires the State Board of Education to waive the following licensure requirements for certain individuals:

- Pass an exam adopted by the State Board of Education (G.S. 115C-284(b1)(5) and (c)).
- Complete a year-long internship (G.S. 115C-284(c2)(7)).
- Have at least four years of classroom teaching experience and possess at least a Masters Degree in Education Administration (G.S. 115C-284(d1)).
- Achieve at least the second level of differentiation between classroom teachers (G.S. 115C-284(d1)).

Individuals who completed at least one course as part of a masters degree program or a post-masters certificate designed for school administrators prior to August 31, 2022, are eligible for the waiver, provided that the individual completes a masters degree program or a post-masters certificate designed for

# House 159 PCS

Page 3

school administrators and meets all licensure requirements not otherwise waived by this provision prior to being licensed as a school administrator.

**BILL ANALYSIS:** Part V would extend the principal license exemption to cover individuals who have completed at least one course as part of a master's degree program or post-master's certificate designed for school administrators by August 31, 2024.

## **PART VI. REVISE ALLOWABLE LITERACY FUND USES**

**CURRENT LAW:** G.S. 115D-31(b1) limits the use of certain funds, including Literacy Funds by community colleges. The State Board of Community Colleges (SBCC) may authorize a community college to use up to twenty percent (20%) of State Literacy Funds to provide employability skills and developmental education (basic skills courses) to students concurrently enrolled in a literacy course.

Part II of the federal Workforce Innovation and Opportunity Act (WIOA) requires matching State funds which must be used in compliance with the same federal requirements for adult education and literacy activities in the State. (29 USC 3302) Currently, the State Board of Community Colleges used Literacy Funds to comply with the federal WIOA match requirement.

**BILL ANALYSIS:** Part VI would eliminate the authorization to vary use of State Literacy Funds in the discretion of the SBCC.

## **PART VII. CONFORM APPRENTICESHIP TO FEDERAL LAW**

**CURRENT LAW:** G.S. 115D-11.10 and G.S. 115D-11.11 establish requirements for the State apprenticeship program that include a requirement that apprenticeship agreements provide for at least 2,000 hours of reasonably continuous employment in an approved work experience for the apprentice.

29 CFR Part 29 establishes the requirements for the federal registration of apprenticeship programs. These requirements allow three different measures of the term of the apprenticeship:

1. Time-based approach: Completion of at least 2,000 hours through the completion of the industry standard for on-the-job learning.
2. Competency-based approach: Attainment of competency.
3. Hybrid approach: A blend of the time-based and competency-based approaches.

**BILL ANALYSIS:** Part VII would revise the definition of apprentice and the contents of apprenticeship agreements to conform to the federal standards for apprenticeships, including multiple measures for terms of the apprenticeship.

## **PART VIII. PERMIT COMMUNITY COLLEGES TO COLLABORATE WITH PUBLIC AND NONPUBLIC SCHOOLS FOR CERTAIN PROGRAMS**

**CURRENT LAW:** G.S. 115D-20(4) provides for collaboration between community colleges and local school administrative units to enroll high school students in Career and College Promise (CCP) courses in community colleges. CCP includes multiple tracks, including Cooperative and Innovative High Schools, academic transition pathways, and college transfer pathways.

**BILL ANALYSIS:** Part VIII would allow the community colleges to enroll students from public school units and non-public schools (private and home schools) in academic transition and college transfer pathway courses.

# House 159 PCS

Page 4

## **PART IX. NORTH CAROLINA PRINCIPAL FELLOWS AND NORTH CAROLINA TEACHING FELLOWS CHANGES**

**CURRENT LAW:** Article 5C of Chapter 116 of the General Statutes establishes the North Carolina Principal Fellows and Transforming Principal Preparation Program. The Commission governing the Program includes the chair of the Board of the State Education Assistance Authority (SEAA).

Part 3 of Article 23 of Chapter 116 of the General Statutes establishes the North Carolina Teaching Fellows Program (Teaching Fellows). The Commission governing Teaching Fellows includes several ex officio members, including the chair of the Board of the State Education Assistance Authority.

**BILL ANALYSIS:** Part IX would rename the North Carolina Principal Fellows and Transforming Principal Preparation Program as the North Carolina Principal Fellows Program (Principal Fellows). Section 9 would also allow the chair of the Board of SEAA to select another person to serve in the chair's place on the Commissions for both the Principal Fellow and Teaching Fellows Programs.

## **PART X: EXPAND NCSSM BOARD OF TRUSTEES**

**CURRENT LAW:** The Board of Trustees for the North Carolina School of Science and Mathematics (NCSSM) consists of 30 members appointed by various entities. The Board of Governors of The University of North Carolina must one member from each of the State's congressional districts.

**BILL ANALYSIS:** Part X would expand the number of members on NCSSM's Board of Trustees to align with the additional newly created congressional district, bringing the total number to 31.

## **PART XI: CLARIFY ELIGIBILITY OF DISABLED VETERANS FOR PATRIOT STAR FAMILY SCHOLARSHIP PROGRAMS**

**CURRENT LAW:** The 2021 budget (S.L. 2021-180) created two scholarship programs (Programs) for certain eligible children and eligible spouses of certain veterans, eligible children of certain currently serving members of the Armed Forces, and eligible disabled veterans to attend eligible postsecondary institutions.

Under S.L. 2021-180, a disabled veteran was eligible for the scholarship if the veteran (i) incurred traumatic injuries, wounds, or illness as a member of the Armed Forces during a period of war or national emergency and (ii) is receiving compensation for a wartime service-connected disability of at least 50% as rated by the U.S. Department of Veterans Affairs.

S.L. 2022-6 adjusted the definitions of "eligible child" and "eligible disabled veteran" in a way that would have required the disabled veteran to be a parent to be eligible.

**BILL ANALYSIS:** Part XI would clarify the definition of "eligible disabled veteran" to include veterans who incurred traumatic injuries, wounds, or illness as a member of the Armed Forces while training in preparation for future conflicts if the veteran is receiving compensation of at least 50% as rated by the U.S. Department of Veterans Affairs as a result of those injuries, wounds, or illness.

**EFFECTIVE DATE:** Except as otherwise provided, the PCS would be effective when it becomes law.