

**2009-2010**

**HOUSE  
EDUCATION**

**MINUTES**



***NORTH CAROLINA GENERAL  
ASSEMBLY***

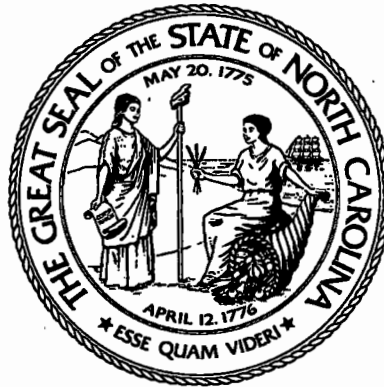
***HOUSE COMMITTEE ON  
EDUCATION***

***2009-2010 SESSION***

***Chairs:***

***Representative Larry M. Bell***

***Representative Marvin Lucas***



**NORTH CAROLINA  
GENERAL ASSEMBLY  
HOUSE COMMITTEE ON  
EDUCATION**

**2009-2010 SESSION**

**COMMITTEE ASSISTANTS**

**CAROLYN A. EDWARDS**

**THELMA T. UTLEY**

**NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE ON EDUCATION  
2009 SESSION**



**REP. LARRY BELL  
CHAIR**



**REP. MARVIN LUCAS  
CHAIR**



**REP. COTHAM  
VICE CHAIR**



**REP. FISHER  
VICE CHAIR**



**REP. LOVE  
VICE CHAIR**



**REP. PARMON  
VICE CHAIR**



**REP. WOMBLE  
VICE CHAIR**



**REP. ADAMS**



**REP. ALEXANDER**



**REP. AVILA**



**REP. BLACKWELL**



**REP. BLACKWOOD**



**REP. BORDSEN**



**REP. BROWN**



**REP. BRYANT**



**REP. CARNEY**



**REP. CLEVELAND**



**REP. DICKSON**



**REP. DOCKHAM**



**REP. DOLLAR**



**REP. ENGLAND**



**REP. BURRIS-FLOYD**



**NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE ON EDUCATION  
2009 SESSION**



**REP. E. FLOYD**



**REP. FOLWELL**



**REP. GILL**



**REP. GLAZIER**



**REP. WADE-GOODWIN**



**REP. HALL**



**REP. HILTON**



**REP. HOLLOWAY**



**REP. HURLEY**



**REP. ILER**



**REP. INSKO**



**REP. JACKSON**



**REP. JEFFUS**



**REP. JOHNSON**



**REP. LANGDON**



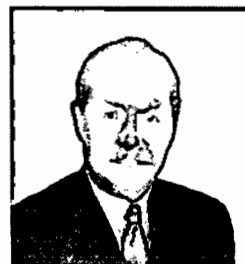
**REP. MCCORMICK**



**REP. MCELRAFT**



**REP. MCLAWHORN**



**REP. MICHAUX**



**REP. MILLS**



**REP. RAPP**



**REP. RHYNE**



**REP. ROSS**



**REP. SAMUELSON**



**REP. STAM**

**NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE ON EDUCATION  
2009 SESSION**



**REP. STEWART**



**REP. STILLER**



**REP. TARLETON**



**REP. TILLIS**



**REP. TOLSON**



**REP. E. WARREN**



**REP. R. WARREN**



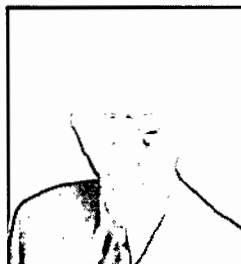
**REP. WHILDEN**



**REP. WILEY**



**REP. WILKINS**



**REP. YONGUE**

# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2009

DATES	02-24-09	03-03-09	03-10-09	03-17-09	03-24-09	03-31-09	04-02-09	04-07-09	04-09-09	04-14-09	04-21-09	04-21-09	04-28-09	05-05-09	05-07-09
REP. BELL (CHAIR)		*		*	*	*	*	*	*	*	*	*	*	*	*
REP. LUCAS (CHAIR)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
REP. COTHAM (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. FISHER (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. LOVE (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. PARMON (V-Chair)	*		*	*	*	*	*	*	*	*	*	*	*		
REP. WOMBLE (V-Chair)	*	*	*	*	*	*	*	*	*	*	*		*	*	*
REP. ADAMS	*	*	*			*	*	*	*	*	*		*	*	
REP. ALEXANDER	*	*	*	*	*	*	*	*	*	*	*		*	*	*
REP. AVILA	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
REP. BLACKWELL *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. BLACKWOOD	*	*	*	*	*	*	*	*	*	*	*	*		*	*
REP. BORDSEN	*	*	*	*	*	*	*	*		*	*	*	*	*	*
REP. BROWN	*	*	*	*	*			*	*	*	*		*	*	*
REP. BRYANT	*	*	*	*	*	*	*	*	*	*	*	*		*	*
REP. CARNEY	*	*	*	*	*		*	*							
REP. CLEVELAND	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. DICKSON	*	*	*	*		*		*		*	*	*		*	
REP. DOCKHAM corrected oversight	-	-	-	*		*		*			*				
REP. DOLLAR	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. ENGLAND	*	*	*	*	*			*	*	*	*	*	*	*	*
REP. BURRIS-FLOYD *	*		*		*		*	*	*	*	*	*	*	*	*
REP. E. FLOYD *		*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. FOLWELL	*	*	*	*	*			*	*	*	*			*	
REP. GLAZIER	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. WADE-GOODWIN	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. HALL	*	*	*	*	*	*		*	*	*	*	*	*	*	
REP. HILTON			*		*	*	*	*	*	*	*	*	*	*	*
REP. HOLLOWAY	*		*	*	*		*	*	*	*	*		*	*	*

# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2009

DATES	02-24-09	03-03-09	03-10-09	03-17-09	03-24-09	03-31-09	04-02-09	04-07-09	04-09-09	04-14-09	04-21-09	04-21-09	04-28-09	05-05-09	05-07-09
REP. HURLEY	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. INSKO		*	*	*	*	*		*	*		*	*	*		*
REP. JACKSON *	*	*	*	*	*	*	*	*	*	*	*	*		*	*
REP. JEFFUS	*	*	*	*	*	*	*	*	*		*		*		*
REP. JOHNSON	*	*	*	*	*	*	*	*	*	*	*	*		*	
REP. LANGDON	*	*		*		*	*	*	*	*	*		*	*	*
REP. McCORMICK *	*	*	*	*	*	*	*	*	*	*	*		*	*	*
REP. McELRAFT	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. McLAWHORN	*	*	*	*	*		*	*	*	*	*	*		*	*
REP. MICHAUX	*		*		*		*	*			*				
REP. MILLS *	*	*	*	*	*	*	*	*		*	*		*	*	
REP. RAPP	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. RHYNE *	*	*	*		*		*			*	*		*	*	
REP. ROSS	*	*	*	*	*	*	*	*	*		*		*	*	*
REP. SAMUELSON	*	*	*	*		*	*	*	*	*	*		*	*	*
REP. STAM	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. STEWART *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. STILLER	*		*				*	*		*	*		*	*	*
REP. TARLETON	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
REP. TILLIS	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. TOLSON	*	*	*	*	*	*		*	*	*	*	*	*	*	*
REP. E. WARREN	*	*	*	*	*	*	*	*	*	*	*			*	*
REP. R. WARREN	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. WHILDEN *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. WILEY	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. WILKINS	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. YONGUE	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
9 New Members *    56 Total Members															

# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2009

DATES	02-24-09	03-03-09	03-10-09	03-17-09	03-24-09	03-31-09	04-02-09	04-07-09	04-09-09	04-14-09	04-21-09	04-21-09	04-28-09	05-05-09	05-07-09
<b>STAFF</b>															
<b>DEE ATKINSON</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>DRUPTI CHAUHAN</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>SHIRLEY IORIO</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>SARA KAMPRATH</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>KARA MCGRAW</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>COMMITTEE ASSISTANTS</b>															
<b>CAROLYN EDWARDS</b> (ASSISTANT)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>THELMA UTLEY</b> (ASSISTANT)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>New Members</b>															
<b>1. REP. BLACKWELL</b>															
<b>2. REP. BURRIS-FLOYD</b>															
<b>3. REP. E. FLOYD</b>															
<b>4. REP. JACKSON</b>															
<b>5. REP. McCORMICK</b>															
<b>6. REP. MILLS</b>															
<b>7. REP. RHYNE</b>															
<b>8. REP. STEWART</b>															

# HOUSE COMMITTEE ON EDUCATION II

## ATTENDANCE 2009

DATES	05-12-09	05-12-09	05-12-09	05-26-09	05-28-09	06-02-09	06-16-09	06-23-09	07-07-09	07-14-09	07-21-09	08-04-09			
REP. BELL (CHAIR)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. LUCAS (CHAIR)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. COTHAM (V-Chair)	*	*	*	*	*	*	*	*	*	*	*				
REP. FISHER (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. LOVE (V-Chair)	*	*	*	*		*	*	*	*	*	*	*			
REP. PARMON (V-Chair)	*	*		*	*		*	*	*	*	*	*			
REP. WOMBLE (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. ADAMS	*			*	*			*	*						
REP. ALEXANDER	*	*		*	*	*	*	*				*			
REP. AVILA	*	*	*	*	*	*	*	*	*	*	*	*			
REP. BLACKWELL	*	*	*	*	*	*	*	*	*	*	*	*			
REP. BLACKWOOD		*	*	*	*	*	*	*	*	*	*	*			
REP. BORDSEN	*	*	*	*	*		*	*	*	*	*	*			
REP. BROWN	*	*		*		*	*	*							
REP. BRYANT	*	*	*	*	*	*	*	*	*	*	*	*			
REP. CARNEY	*								*	*	*	*			
REP. CLEVELAND	*	*	*	*	*	*	*	*	*	*	*	*			
REP. DICKSON	*	*		*	*	*	*	*	*		*	*			
REP. DOCKHAM corrected oversight		*			*						*				
REP. DOLLAR	*	*	*	*	*		*	*	*	*	*	*			
REP. ENGLAND	*			*	*		*	*	*	*	*	*			
REP. BURRIS-FLOYD	*	*	*	*	*	*	*	*		*	*				
REP. E. FLOYD	*	*		*	*	*		*	*	*					
REP. FOLWELL	*	*	*	*	*	*	*	*	*	*	*				
REP. GILL								*	*	*		*			
REP. GLAZIER	*	*		*	*				*		*				
REP. WADE-GOODWIN	*	*	*	*	*	*	*	*	*	*	*				
REP. HALL	*		*	*	*	*	*		*	*	*				
REP. HILTON	*	*	*	*	*	*	*	*	*	*	*				

# HOUSE COMMITTEE ON EDUCATION II

## ATTENDANCE 2009

DATES	05-12-09	05-12-09	05-12-09	05-26-09	05-28-09	06-02-09	06-16-09	06-23-09	07-07-09	07-14-09	07-21-09	08-04-09			
REP. HOLLOWAY	*		*	*	*		*	*	*	*	*				
REP. HURLEY	*	*		*	*	*	*	*	*	*	*	*			
REP. ILER								*	*	*	*	*			
REP. INSKO	*			*	*				*	*	*	*			
REP. JACKSON	*	*	*	*	*	*	*	*			*				
REP. JEFFUS	*	*		*	*		*	*	*			*			
REP. JOHNSON	*			*	*	*	*	*	*	*	*				
REP. LANGDON	*	*		*	*	*	*	*	*	*	*				
REP. McCORMICK	*		*	*	*	*		*	*		*				
REP. McELRAFT	*	*	*	*	*	*	*	*							
REP. McLAWHORN	*		*	*	*		*		*		*	*			
REP. MICHAUX					*		*	*	*						
REP. MILLS	*		*	*	*	*		*	*						
REP. RAPP	*	*		*	*		*	*	*		*				
REP. RHYNE				*	*	*	*	*	*	*		*			
REP. ROSS	*	*	*	*	*	*	*	*	*	*	*				
REP. SAMUELSON	*	*	*	*	*	*	*	*	*		*	*			
REP. STAM	*	*	*	*	*	*	*	*	*						
REP. STEWART	*	*		*	*	*	*	*	*	*	*	*			
REP. TARLETON	*	*	*	*	*	*	*	*	*	*	*				
REP. TILLIS	*		*	*	*			*	*	*	*				
REP. TOLSON	*	*	*	*	*		*	*	*			*			
REP. E. WARREN	*	*	*			*	*	*			*	*			
REP. R. WARREN	*	*	*			*	*	*	*		*				
REP. WHILDEN	*	*	*	*		*	*	*	*	*	*	*			
REP. WILEY	*		*	*	*		*	*	*	*	*	*			
REP. WILKINS		*	*	*	*	*	*	*	*	*	*	*			
REP. YONGUE	*	*	*	*	*		*	*	*			*			

# HOUSE COMMITTEE ON EDUCATION II

## ATTENDANCE 2009

DATES	05-12-09	05-12-09	05-12-09	05-26-09	05-28-09	06-02-09	06-16-09	06-23-09	07-07-09	07-14-09	07-21-09	08-04-09			
<b>STAFF</b>															
<b>DEE ATKINSON (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>DRUPTI CHAUHAN (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>SHIRLEY IORIO (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>SARA KAMPRATH (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>KARA MCGRAW (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>COMMITTEE ASSISTANTS</b>															
<b>CAROLYN EDWARDS (ASSISTANT)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>THELMA UTLEY (ASSISTANT)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>Rep. Stiller Resigned 06-15-2009</b>	*		*												
<b>New Members</b>															
<b>1. REP. BLACKWELL</b>															
<b>2. REP. BURRIS-FLOYD</b>															
<b>3. REP. E. FLOYD</b>															
<b>4. REP. JACKSON</b>															
<b>5. REP. McCORMICK</b>															
<b>6. REP. MILLS</b>															
<b>7. REP. RHYNE</b>															
<b>8. REP. STEWART</b>															
<b>9. REP. GILL</b>															
<b>10. REP. ILER</b>															



HOUSE EDUCATION COMMITTEE  
643 Legislative Office Building  
Representative Marvin W. Lucas, Presiding  
11:00 A.M.  
Tuesday, February 24, 2009

Representative Lucas declared a quorum for the first Education meeting. He thanked everyone for coming and introduced the pages and sergeants-at-arm (list attached and visitor registration).

HB 43 School Bd. Members/Failure to Discharge Duty – Representative Glazier was called on to explain the bill. The bill would add school board member to the list of public officials who would be guilty of a Class 1 misdemeanor for willfully and corruptly omitting, neglecting or refusing to discharge the duties of the offices they hold. The school board member would also have to be removed from office under the sentence of the court as part of the punishment for the offense. Representative Womble moves for a favorable report and be re-referred to the Committee on Judiciary II. The committee concurs and the motion passes.

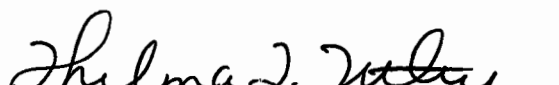
HB 79 Extend School Formula Study – A PCS was distributed to members. Representative Michaux moved adoption of the PCS for consideration. The committee concurs. Representative Glazier explained the PCS. The PCS to HB 79 would extend the Joint Legislative Study Committee on Public School Funding Formulas (Committee) until completion of its evaluation of modifications to public school funding formulas and would authorize the Committee to meet during session of the General Assembly. Representative Michaux moves the PCS be given a favorable report, the original bill unfavorable. The committee concurs and the PCS receives a favorable report with a referral to Committee on Rules.

SB 198 State Bd. of Education/Membership Restrictions – Senator Stevens was called on to explain the bill. The bill would allow for no more than two public school employees paid from State or local funds to serve as appointive members of the State Board of Education. The bill would also allow an employee of the Department of Public Instruction to serve as an appointive member of the State Board of Education. There were several questions/comments by members. Representative Wiley has an amendment. The amendment states the words "by him" be substituted with the words "by the Governor". The amendment is adopted. Representative Stam moves for a favorable report as amended rolled into a new committee substitute with a referral to Committee on State Government/State Personnel. Committee concurs and the bill passes.

Meeting adjourned.

Respectfully submitted,

  
Marvin W. Lucas, Chair

  
Thelma T. Utley, Committee Assistant

## 2<sup>nd</sup> AMENDED NOTICE

## Remove HB 65

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

**You are hereby notified that the Committee on Education will meet as follows:**

**DAY & DATE:** **Tuesday, February 24, 2009**

**TIME:** 11:00 A.M.

**LOCATION: 643 LOB**

**The following bills will be considered (Bill # & Short Title & Bill Sponsor):**

**H 65 Students Under 16 May Attend Comm. College (Reps. Tolson, Stam, McLawhorn, Wiley)**

**H 43 School Bd. Members/Failure to Discharge Duty (Reps. Glazier, Martin, Cotham, Fisher)**

**H 79 Extend School Formula Study Committee (Reps. Glazier, Rapp)**

**S 198 State Bd. of Educ./Membership Restrictions (Sen. Vernon Malone)**

Respectfully,  
Representatives Bell and Lucas  
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at 5:30 p.m. on February 23, 2009.

Principal Clerk  
Reading Clerk - House Chamber

**Thelma T. Utley (Committee Assistant)**

# VISITOR REGISTRATION SHEET

EDUCATION

2/23/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Jim Ayers	Ed Connetant
Jim Stegall	U.C.P.S.
Kare Wells	Arts North Carolina
Chy Beyer	NCS
Joel Maynard	CMG
Conor Brockett	NCSBA
Lorne Wynn	NCSBA
Muhad Hassan	MWC
Doug Miskew	Capstat
Matt Farrell	TPG
V L McBride	West

# VISITOR REGISTRATION SHEET

EDUCATION

2/23/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Gene Causby	KICSCA
John Arns	PSF
Kathleen Joyce	NCAAA
Pamela Schore	NCAAA
Emily Doyle	NCPAPA
Harrison GILF	Office of the Governor
Melissa Trunk	NCAAC
Jenni Ar Willis	NCCCS
Chris Minard	State Bd of Ed
Myra Best	Office of Governor
Kevin Howell	NC State Univ

# VISITOR REGISTRATION SHEET

EDUCATION

2/23/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>Jonathan Rhyne</i>	<i>WCPSS</i>
<i>Jonathan Rhyne</i>	<i>Intern - Rep. Glazier</i>
<i>Jerrette Rivera</i>	<i>Intern - Rep. Ross</i>
<i>Steve Jackson</i>	<i>Budget &amp; Tax Center</i>
<i>Ann McArthur</i>	<i>Governor's Office</i>
<i>Carolyn McKinney</i>	<i>NC PRSC</i>
<i>Joanne Stevens</i>	<i>Stevens inc</i>
<i>Paul Woodruff</i>	<i>Fayetteville Observer</i>
<i>Emily Peters</i>	<i>UNC-TV</i>
<i>Rob Mel</i>	<i>UNC-TV</i>
<i>Chris M. Smith</i>	<i>NC JC DC</i>
<i>Denna Weston</i>	<i>Summit House</i>

## VISITOR REGISTRATION SHEET

## EDUCATION

2/23/2009

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Belinda Black

NCDP1

Melinda [Signature]

MWC

Army Skull

Denver

# VISITOR REGISTRATION SHEET

EDUCATION

2/23/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Erilyn Handstone	PENC; CISAC
Paul Pully	AJ
Kelly Graham	NCAJ
Brittany Farrell	NCFPC
Jane Sed	NC OSA
Becki Gray	John Locke Foundation
Eddie Caldwell	NC State Bar Ass.

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, February 23, 2009**  
**Room 643 LOB**  
**11:00 A.M.**

**Representative Marvin W. Lucas**  
**Presiding Chair**

Call to Order

Welcome/Introductions

Bills to be considered:

H 43 School Bd. Members/Failure to Discharge Duty (Reps.  
Glazier, Martin, Cotham, Fisher)

H 79 Extend School Formula Study Committee (Reps.  
Glazier, Rapp)

S 198 State Bd. of Educ./Membership Restrictions (Sen.  
Vernon Malone)

Adjournment



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 43**      A BILL TO BE ENTITLED AN ACT MAKING IT UNLAWFUL FOR A  
SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF  
THE OFFICE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 43**

Short Title: School Bd. Members/Failure to Discharge Duty.

(Public)

Sponsors: Representatives Glazier, Martin, Cotham, Fisher (Primary Sponsors);  
K. Alexander, M. Alexander, E. Floyd, Harrison, Hughes, Lucas, and  
Tarleton.

Referred to: Rules, Calendar, and Operations of the House.

February 4, 2009

A BILL TO BE ENTITLED

AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO  
WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE.

The General Assembly of North Carolina enacts:

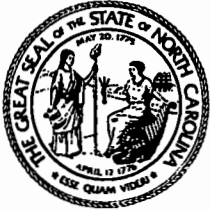
**SECTION 1.** G.S. 14-230 reads as rewritten:

**"§ 14-230. Willfully failing to discharge duties.**

If any clerk of any court of record, sheriff, magistrate, school board member, county commissioner, county surveyor, coroner, treasurer, or official of any of the State institutions, or of any county, city or town, shall willfully omit, neglect or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a Class 1 misdemeanor. If it shall be proved that such officer, after his qualification, willfully and corruptly omitted, neglected or refused to discharge any of the duties of his office, or willfully and corruptly violated his oath of office according to the true intent and meaning thereof, such officer shall be guilty of misbehavior in office, and shall be punished by removal therefrom under the sentence of the court as a part of the punishment for the offense."

**SECTION 2.** This act becomes effective December 1, 2009.





## HOUSE BILL 43: School Bd. Members/Failure to Discharge Duty

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Judiciary II	<b>Date:</b>	February 18, 2009
<b>Introduced by:</b>	Reps. Glazier, Martin, Cotham, Fisher	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 43 would make a school board member guilty of a Class 1 misdemeanor if the individual willfully fails to discharge the duties of that office.*

**CURRENT LAW:** Under G.S. 14-230, certain public officials are guilty of a Class 1 misdemeanor if they willfully and corruptly omit, neglect, or refuse to discharge any of the duties of the offices they hold. The official must also be removed from office under the sentence of the court as part of the punishment for the offense. The listed officials that are currently covered by the statute are: clerk of any court of record, sheriff, magistrate, county commissioner, county surveyor, coroner, treasurer, and officials of any State institutions or of any county, city, or town. In addition, Article 6, Section 8 of the North Carolina Constitution states that "any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law" is disqualified from holding elected office.

**BILL ANALYSIS:** House Bill 43 would add school board member to the list of public officials who would be guilty of a Class 1 misdemeanor for willfully and corruptly omitting, neglecting or refusing to discharge the duties of the offices they hold. The school board member would also have to be removed from office under the sentence of the court as part of the punishment for the offense.

The maximum punishment for a Class 1 misdemeanor is 120 days of active punishment.

**EFFECTIVE DATE:** The bill would become effective December 1, 2009.

**BACKGROUND:** In 2007, the General Assembly repealed G.S. 115C-39(a) which had provided a removal procedure for local school board members. The statute stated that if the State Board of Education (SBE) had sufficient evidence that a member of a local board of education was not capable of discharging or was not discharging the duties of the office or was guilty of immoral or disreputable conduct, the SBE had to notify the chairman of that local board of education. If the member in question was the chairman, then the SBE had to notify all of the other members of that local board of education. On receiving such a notice from the SBE, the local board of education had to hold a meeting to investigate the charges. If those charges were found to be true, then the office of that member was declared vacant.

Under G.S. 115C-105.39 and G.S. 115C-39(b), the SBE can still suspend any of the powers and duties of a local board of education that the SBE considers are necessary or appropriate to improve student performance. The SBE can perform all of these assigned duties and powers for a period of time specified by the SBE. If the SBE subsequently determines that it is necessary to change the governance of the local school administrative unit in order to improve student performance, the SBE can recommend this change to the General Assembly which must then consider future governance of the identified local school administrative unit.

H43-SMRQ-1(e1) v3

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 79** A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT  
LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO  
EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 79  
PROPOSED COMMITTEE SUBSTITUTE H79-CSTC-2 [v.1]**

2/19/2009 2:41:29 PM

Short Title:   Extend School Formula Study Committee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC  
SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL  
FUNDING.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Study Committee on Public School Funding Formulas, which was established on November 27, 2007, by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2007 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, and was subsequently modified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, may review the implementation of any modifications to school funding formulas that are enacted by the General Assembly upon the recommendation of the Committee and shall evaluate the impact of those modifications.

**SECTION 2.** Notwithstanding G.S. 120-19.6, the Committee may meet during sessions of the General Assembly.

**SECTION 3.** The Committee may report to the General Assembly at least once a year on its activities.

**SECTION 4.** The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

**SECTION 5.** This act is effective when it becomes law.



\* H 7 9 - C S T C - 2 - V - 1 \*



## HOUSE BILL 79: Extend School Formula Study Committee

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	February 24, 2009
<b>Introduced by:</b>	Reps. Glazier, Rapp	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H79-CSTC-2		Committee Counsel

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**SUMMARY:** *The Proposed Committee Substitute to House Bill 79 would extend the Joint Legislative Study Committee on Public School Funding Formulas (Committee) until completion of its evaluation of modifications to public school funding formulas, and would authorize the Committee to meet during session of the General Assembly.*

*The PCS would make a technical change correcting a citation in Section 2.*

**CURRENT LAW:** S.L. 2008-181, Part XXXVII provides that the Joint Legislative Study Committee on Public School Funding Formulas:

- May review and evaluate the impacts of the implementation of any modifications to school funding formulas enacted by the General Assembly upon the recommendation of the Committee.
- May report to the General Assembly at least once a year on its activities.
- Shall terminate upon completion of its evaluation of modification to public school funding formulas.

G.S. 120-19.6 provides for interim committee activity, including the creation of interim study committees by the Speaker of the House or the President Pro Tempore of the Senate to study governmental agencies, institutions, and matters of public policy. The statute directs that these committees function in the interim period between sessions or during recesses under the rules applicable to committees which meet during the session of the General Assembly.

**BILL ANALYSIS:** House Bill 97 would provide that the Joint Legislative Study Committee on Public School Funding Formulas:

- May review and evaluate the impacts of the implementation of any modifications to school funding formulas enacted by the General Assembly upon the recommendation of the Committee.
- May meet during session of the General Assembly, notwithstanding G.S. 120-19.6.
- May report to the General Assembly at least once a year on its activities.
- Shall terminate upon completion of its evaluation of modification to public school funding formulas.

**EFFECTIVE DATE:** House Bill 97 would become effective when it becomes law.

**BACKGROUND:** The Joint Legislative Study Committee on Public School Funding Formulas was established by authorization of the President Pro Tempore of the Senate and the Speaker of the House of Representatives in November 2007 pursuant to G.S. 120-19.6(a1) (interim committee activity), Rule 31 (Appointment of Committees) of the Rules of the Senate of the 2007 General Assembly, and Rule 26(a) (Standing Committees and Permanent Subcommittees Generally) of the Rules of the House of the 2007 General Assembly. The Committee was authorized to study the State Board of Education's model for projecting average daily membership as well as perform an extensive study on all public school funding formulas and distributions.

H79-SMTC-2(CSTC-2) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 79**

**Short Title:**    Extend School Formula Study Committee. (Public)

**Sponsors:**    Representatives Glazier; M. Alexander, Blackwood, England, Fisher, E. Floyd,  
                         Goforth, Hughes, Jeffus, Lucas, Parmon, Pierce, and Tarleton.

**Referred to:**   Rules, Calendar, and Operations of the House.

February 9, 2009

**A BILL TO BE ENTITLED**

**AN ACT DIRECTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC  
SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL  
FUNDING.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Study Committee on Public School Funding Formulas, which was established on November 27, 2007, by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1), Rule 31 of the Rules of the Senate of the 2007 General Assembly, and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, and was subsequently modified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, may review the implementation of any modifications to school funding formulas that are enacted by the General Assembly upon the recommendation of the Committee and shall evaluate the impact of those modifications.

**SECTION 2.** Notwithstanding G.S. 120-19.6(a1), the Committee may meet during sessions of the General Assembly.

**SECTION 3.** The Committee may report to the General Assembly at least once a year on its activities.

**SECTION 4.** The Committee shall terminate upon completion of its evaluation of modifications to public school funding formulas.

**SECTION 5.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 198**

A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on STATE GOVERNMENT/STATE PERSONNEL.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

**SENATE BILL 198**  
**Education/Higher Education Committee Substitute Adopted 2/18/09**  
**PROPOSED HOUSE COMMITTEE SUBSTITUTE S198-PCS35090-TC-3**

Short Title: State Bd. of Educ./Membership Restrictions.

(Public)

Sponsors:

Referred to:

February 17, 2009

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-10 reads as rewritten:

**"§ 115C-10. Appointment of Board.**

The State Board of Education shall consist of the Lieutenant Governor, the State Treasurer, and 11 members appointed by the Governor, subject to confirmation by the General Assembly in joint session. Not more than ~~one~~ two public school ~~employee-employees~~ paid from State or local funds may serve as ~~an appointive member~~ members of the State Board of Education. No spouse of any public school employee paid from State or local funds ~~and no employee of the Department of Public Instruction or his spouse, and no spouse of any employee of the Department of Public Instruction~~ may serve as an appointive member of the State Board of Education. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts and three shall be appointed as members at large. Appointments shall be for terms of eight years and shall be made in four classes. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, on or before the sixtieth legislative day of the General Assembly, the names of the persons appointed ~~by him~~ by the Governor and submitted to the General Assembly for confirmation; thereafter, pursuant to joint resolution, the Senate and the House of Representatives shall meet in joint session for consideration of an action upon such appointments."

**SECTION 2.** G.S. 14-234 is amended by adding a new subsection to read:

**"(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer."**

**SECTION 3.** This act is effective when it becomes law.



\* S 1 9 8 - P C S 3 5 0 9 0 - C S T C - 3 \*



## SENATE BILL 198: State Bd. of Educ./Membership Restrictions

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, State Government/State Personnel	<b>Date:</b>	February 20, 2009
<b>Introduced by:</b>	Sen. Malone	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	Second Edition		Legislative Analyst

**SUMMARY:** *Senate Bill 198 would allow for no more than two public school employees paid from State or local funds to serve as appointive members of the State Board of Education. The bill would also allow an employee of the Department of Public Instruction to serve as an appointive member of the State Board of Education.*

**CURRENT LAW:** Article IX, Section 4 of the North Carolina Constitution contains the following requirements for appointing members to the State Board of Education (State Board):

- The Governor appoints 11 members of the State Board in overlapping terms, "subject to confirmation by the General Assembly in joint session."
- One member is appointed to the Board from each of the eight education districts and three members are appointed at large.
- Members are appointed for overlapping terms of 8 years.

In addition to restating the Constitutional requirements, G.S. 115C-10 also requires the following:

- Not more than one public school employee paid from State or local funds may serve as an appointive member of the State Board.
- No spouse of a public school employee paid from State or local funds and no employee of the Department of Public Instruction or employee's spouse may serve as an appointive member of the State Board.

G.S. 14-234(a)(1) prohibits a public officer or employee who is involved in making or administering a contract on behalf of a public agency from deriving a direct benefit from the contract except as provided in the section or otherwise allowed by law.

**BILL ANALYSIS:** Senate Bill 198 would increase the number of public school employees paid from State or local funds that can serve as appointive members of the Board from no more than 1 to no more than two members. The bill would also remove the prohibition against an employee of the Department of Public Instruction serving as an appointive member of the Board. The bill also exempts employment contracts between the State Board of Education and its chief executive officer from the law that prohibits public officers or employees from benefiting from public contracts.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

S198-SMRJ-3(e2) v2

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 198  
Education/Higher Education Committee Substitute Adopted 2/18/09

Short Title: State Bd. of Educ./Membership Restrictions.

(Public)

Sponsors:

Referred to:

February 17, 2009

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF  
EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-10 reads as rewritten:

**"§ 115C-10. Appointment of Board.**

The State Board of Education shall consist of the Lieutenant Governor, the State Treasurer, and 11 members appointed by the Governor, subject to confirmation by the General Assembly in joint session. Not more than ~~one~~ two public school ~~employee-employees~~ paid from State or local funds may serve as ~~an appointive member~~ members of the State Board of Education. No spouse of any public school employee paid from State or local funds ~~and no employee of the Department of Public Instruction or his spouse, and no spouse of any employee of the Department of Public Instruction~~ may serve as an appointive member of the State Board of Education. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts and three shall be appointed as members at large. Appointments shall be for terms of eight years and shall be made in four classes. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

The Governor shall transmit to the presiding officers of the Senate and the House of Representatives, on or before the sixtieth legislative day of the General Assembly, the names of the persons appointed by him and submitted to the General Assembly for confirmation; thereafter, pursuant to joint resolution, the Senate and the House of Representatives shall meet in joint session for consideration of an action upon such appointments."

**SECTION 2.** G.S. 14-234 is amended by adding a new subsection to read:

**"(d6) This section does not apply to employment contracts between the State Board of Education and its chief executive officer."**

**SECTION 3.** This act is effective when it becomes law.



House Pages

Name Of Committee: Education Date: 2-24-09

1. Name: Fontasia Wade-Blivens

County: Cumberland

Sponsor: Elmer Froud

2. Name: Sarah Crews

County: Girardville

Sponsor: Crawford

3. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Sgt-At-Arms

1. Name: Judy Turner

John Brandon

2. Name: Marrin Lee

3. Name: Tracy Riley

4. Name: Martha Kinnick

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
March 3, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, March 3, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Bordsen, Brown, Bryant, Carney, Cleveland, Dickson, Dollar, England, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hurley, Insko, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements and well wishes were made to the nine new members of the education committee: Representatives Blackwell, B. Floyd, E. Floyd, Jackson, McCormick, Mills, Rhyne, Stewart and Whilden.

The agenda was presented and the following bills were before the committee:

**HB 65 – A BILL TO BE ENTITLED AN ACT TO REENACT THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.**

**Representative Lucas** moved to adopt the PCS. The motion passed.

**Representative Tolson** explained that the bill helps our brightest students who desire to move forward, the opportunity to do so at the community college level. The committee is urged to support the bill.

**Representative Womble** asks for clarification of the Proposed Committee Substitute (PCS). Representative Tolson further explained how the House committee substitute makes the following changes to the 1st edition. It clarifies the parameters of re-enacted GS 115D-1.1 authorizing intellectually gifted students less than 16 years of age the opportunity to attend community college. It also amends GS 115D-1.1, as re-enacted, to provide that a student who is 14 or 15 years old (was, under the age of 16) may enroll in a community college subject to the finding by the president of a community college or the president's

designee that the student meets the prescribed criteria and that the student receives approval for enrollment from (1) the student's local board of education or the board's designee, (2) the administrator or designee of the nonpublic school the student attends, (3) the person who provides the academic instruction in the home school the student attends, (4) the designee of the board of directors of the charter school the student attends, or (5) the administrator of the college or university where the student is enrolled. Additionally, provides that despite provisions of GS 115D-1.2 requiring an enrollee in a Learn and Earn Online course (L&E) through a community college to be in one of the grades from 9 through 12, a student under the age of 14 may enroll in a L&E course through a community college for college credit if one of the persons identified in items one through four above approves the student's enrollment.

**Representative Tillis** moved for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The motion passed.

**HB 187 – A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.**

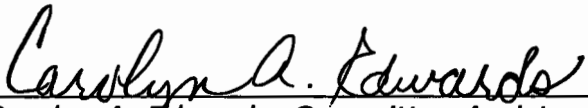
**Representative Lucas** moved to adopt the PCS. The motion passed.

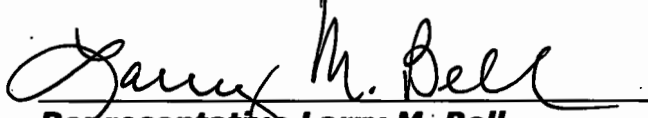
**Representative Fisher** explained the bill and urged the committee for full support. Representative Stam's motion to amend the bill on page 2 line 27 passed.

After much discussion, **Representative Carney** motioned for a favorable report to the bill as amended, rolled into a committee substitute, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II. HB 187 passed.

**Chairman Bell** adjourned the meeting at 11:50 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, March 3, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 42	Science Safety in the Public Schools.	Representative Glazier Representative Rapp Representative Tarleton Representative Cotham
HB 65	Students Under 16 May Attend Comm. College.	Representative Tolson Representative Stam Representative McLawhorn Representative Wiley
HB 187	Encourage Policies to Facilitate Graduation.	Representative Parmon Representative Fisher Representative Tarleton Representative Current

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
2 o'clock on **February 25, 2009**.

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-03-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

TOM BOWLIN	NC NATIONAL GUARD
"Jimmy D" Doster	Student
Angela Hunt	NK SC DC
BRIAN LEWIS	NCAE
TOMASI LARRY	RET. TARMON
Evin Schnellpety	UNC
Jennifer Willis	NCCLS
Don Zew	NCACCT
Matt Handl	TPG
Antonio A.	NCCCS
Annaliese Dolph	DR NC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-03-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Charles Joyce	N/A 7500 Keating Dr. Oak Ridge, NC 27310
Conor Brackett	NCSBA
Leanne Winner	NCSBA
Michael Hutson	MWC
Jim Stegall	U.C.P.S.
John Norris	Public School Forum
Katherine W. Joyce	NC ASA
Chris Minard	State Bd of Ed
Joel P. Maynard	CHARLOTTE/MSCK
David Hernen	NC Center for Non profits
Gene Causby	NCSCA

NCSCA

Jim Minard

CISTRAT

COMMITTEE ON EDUCATION 03-03-2009

COMMITTEE ON EDUCATION 03-03-2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**

Emily Doyle

И ЦРКА

Emily Hawthorne

PENC; CISNC

Brittany Farrell

NCFPC

Dick Barnes

Nc OSA

[illegible]

## VISITOR REGISTRATION SHEET

## **COMMITTEE ON EDUCATION**

**03-03-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**

Pain Johnson

Planned Parenthood

Alison Kiser

## Planned Parenthood

Rob Thompson

Covenant

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**March 3, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<b>HB 42</b>	<b>Science Safety in the Public Schools.</b>	<b>Representative Glazier Representative Rapp Representative Tarleton Representative Cotham</b>
<b>HB 65</b>	<b>Students Under 16 May Attend Comm. College.</b>	<b>Representative Tolson Representative Stam Representative McLawhorn Representative Wiley</b>
<b>HB 187</b>	<b>Encourage Policies to Facilitate Graduation.</b>	<b>Representative Parmon Representative Fisher Representative Tarleton Representative Current</b>

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

**HB 65** A BILL TO BE ENTITLED AN ACT TO REENACT THE STATUTE  
AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO  
ATTEND COMMUNITY COLLEGE.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as  
to the original bill, and recommendation that the committee substitute bill be re-referred to the  
Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 65**

Short Title:	Students Under 16 May Attend Comm. College.	(Public)
<hr/>		
Sponsors:	Representatives Tolson, Stam, McLawhorn, Wiley (Primary Sponsors); M. Alexander, Blackwood, Cotham, England, Faison, Gulley, Lucas, Neumann, Steen, Tarleton, E. Warren, Weiss, and Wilkins.	
<hr/>		
Referred to:	Rules, Calendar, and Operations of the House.	

February 5, 2009

A BILL TO BE ENTITLED  
AN ACT TO REENACT THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED  
STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.  
The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of S.L. 2001-312, as rewritten by Section 2 of S.L.  
2005-77, reads as rewritten:

**"SECTION 4.** Section 2 of this act is effective when it becomes law, and shall apply  
beginning with the 2001-2002 academic year. Section 2 of this act expires ~~September 1,~~  
~~2008.~~ September 1, 2008, and is reenacted effective March 1, 2009. The remainder of this act is  
effective when it becomes law."

**SECTION 2.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 65  
PROPOSED COMMITTEE SUBSTITUTE H65-PCS50150-SF-1

Short Title: Students Under 16 May Attend Comm. College.

(Public)

Sponsors:

Referred to:

February 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING  
3 INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO  
4 ATTEND COMMUNITY COLLEGE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 4 of S.L. 2001-312, as rewritten by Section 2 of S.L.  
7 2005-77, reads as rewritten:

8 "SECTION 4. Section 2 of this act is effective when it becomes law, and shall apply  
9 beginning with the 2001-2002 academic year. Section 2 of this act expires ~~September 1,~~  
10 ~~2008.~~ September 1, 2008, and is reenacted effective March 1, 2009. The remainder of this act is  
11 effective when it becomes law."

12 SECTION 2. G.S. 115D-1.1, as enacted by Section 2 of S.L. 2001-312, rewritten  
13 by Section 76 of S.L. 2001-487 and by Section 2 of S.L. 2005-77, and reenacted by Section 1  
14 of this act, reads as rewritten:

15 "§ 115D-1.1. Discretion in admissions.

16 (a) Notwithstanding G.S. 115D-1, ~~a student under the age of 16 a 14- or 15-year-old~~  
17 student may enroll in a community college if the following conditions are met:

- 18 (1) The president of the community college or the president's designee finds,  
19 based on criteria established by the State Board of Community Colleges, that  
20 the student is intellectually gifted and that the student has the maturity to  
21 justify admission to the community college; and  
22 (2) One of the following persons approves the student's enrollment in a  
23 community college:  
24 a. The local board of education, or the board's designee, for the local  
25 school administrative unit in which the student is domiciled or is  
26 enrolled.  
27 b. The administrator, or the administrator's designee, of the nonpublic  
28 school in which the student is enrolled.  
29 c. The person who provides the academic instruction in the home  
30 school in which the student is enrolled.  
31 d. The designee of the board of directors of the charter school in which  
32 the student is enrolled.  
33 e. The administrator of the college or university where the student is  
34 enrolled.



\* H 6 5 - P C S 5 0 1 5 0 - S S F - 1 \*



1        (a1) Notwithstanding G.S. 115D-1.2, a student under the age of 14 may enroll in a Learn  
2 and Earn Online course through a community college for college credit if one of the persons set  
3 out in sub-subdivisions a. through d. of subdivision (a)(2) of this section approves the student's  
4 enrollment.

5        (b) The State Board of Community Colleges, in consultation with the Department of  
6 Public Instruction, shall adopt rules to implement this section."

7        **SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 65  
PROPOSED COMMITTEE SUBSTITUTE H65-CSSF-1 [v.2]

2/25/2009 3:38:31 PM

Short Title: Students Under 16 May Attend Comm. College.

(Public)

Sponsors:

Referred to:

February 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING  
3 INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF 16 TO ATTEND  
4 COMMUNITY COLLEGE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Section 4 of S.L. 2001-312, as rewritten by Section 2 of S.L.  
7 2005-77, reads as rewritten:

8 "SECTION 4. Section 2 of this act is effective when it becomes law, and shall apply  
9 beginning with the 2001-2002 academic year. Section 2 of this act expires ~~September 1,~~  
10 ~~2008.~~ September 1, 2008, and is reenacted effective March 1, 2009. The remainder of this act is  
11 effective when it becomes law."

12 SECTION 2. G.S. 115D-1.1, as enacted by Section 2 of S.L. 2001-312, rewritten  
13 by Section 76 of S.L. 2001-487 and by Section 2 of S.L. 2005-77, and reenacted by Section 1  
14 of this act, reads as rewritten:

15 "§ 115D-1.1. Discretion in admissions.

16 (a) Notwithstanding G.S. 115D-1, ~~a student under the age of 16 a 14- or 15- year old~~  
17 ~~student~~ may enroll in a community college if the following conditions are met:

- 18 (1) The president of the community college or the president's designee finds,  
19 based on criteria established by the State Board of Community Colleges, that  
20 the student is intellectually gifted and that the student has the maturity to  
21 justify admission to the community college; and  
22 (2) One of the following persons approves the student's enrollment in a  
23 community college:  
24 a. The local board of education, or the board's designee, for the local  
25 school administrative unit in which the student is domiciled or is  
26 enrolled.  
27 b. The administrator, or the administrator's designee, of the nonpublic  
28 school in which the student is enrolled.  
29 c. The person who provides the academic instruction in the home  
30 school in which the student is enrolled.  
31 d. The designee of the board of directors of the charter school in which  
32 the student is enrolled.  
33 e. The administrator of the college or university where the student is  
34 enrolled.

1        (a1) Notwithstanding G.S. 115D-1.2, a student under the age of 14 may enroll in a Learn  
2        and Earn Online course through a community college for college credit if one of the persons set  
3        out in sub-subdivisions a. through d. of subdivision (a)(2) of this section approves the student's  
4        enrollment.

5        (b) The State Board of Community Colleges, in consultation with the Department of  
6        Public Instruction, shall adopt rules to implement this section."

7        **SECTION 3.** This act is effective when it becomes law.



## HOUSE BILL 65: Students Under 16 May Attend Comm. College

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	March 3, 2009
<b>Introduced by:</b>	Reps. Tolson, Stam, McLawhorn, Wiley	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to the First Edition		Legislative Analyst
	H65-CSSF-1[v.2]		

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**SUMMARY:** *The Proposed Committee Substitute (PCS) to House Bill 65 would reenact G.S. 115D-1.1 which expired September 1, 2008. G.S. 115D-1.1 would then be amended to allow students who are 14 or 15 years old to enroll in community college courses, and students under the age of 14 would be permitted to enroll in Learn and Earn Online courses through a community college.*

*The bill is serially referred to Appropriations.*

**CURRENT LAW:** Under G.S. 115D-1, the community colleges do not allow individual students under the age of sixteen to enroll in their courses. The major purpose of each community college is to offer vocational and technical education and training and basic, high school level academic education needed in order to profit from vocational and technical education for students who are high school graduates or who are beyond the compulsory attendance age (age 16) and who have left the public schools.

G.S. 115D-1.2 provides that public school students enrolled in grades 9, 10, 11, or 12 and participating in the Learn and Earn Online program are permitted to enroll in online courses through a community college for college credit.

Under the State Board of Community Colleges rule (23NCAC 02C .0305) students under the age of 16 who are mature enough to function well in an adult education setting and are intellectually gifted as evidenced by specified scores on selected aptitude and achievement tests may be admitted to community colleges. The student must also be ranked by an official of the student's school in the top 10 percent on a number of behavioral characteristics. Students under the age of 16 cannot displace adults but may be admitted on a space available basis to any curriculum course one hundred level and above. These students also pay the same tuition and fees as other curriculum students.

**BILL ANALYSIS:** **Section 1** would reenact, effective March 1, 2009, a statutory provision that expired September 1, 2008. The provision would create a limited exception to G.S. 115D-1 by allowing a community college president, based on rules established by the State Board of Community Colleges in consultation with the Department of Public Instruction, to permit intellectually gifted and mature youths under the age of 16 to enroll in community college courses. A designated representative from the education unit in which the student is currently enrolled also would have to approve the student's enrollment in a community college.

**Section 2** would amend the reenacted statute to allow, under specified conditions, 14 and 15 year old students to enroll in community college courses. Students under the age of 14 would be permitted to enroll in Learn and Earn Online courses through a community college.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** The limited exception created to allow intellectually gifted students under the age of sixteen to attend community colleges was first enacted in 2001, applied beginning with the 2001-2002 academic year, and expired September 1, 2004. In 2005, the General Assembly extended the sunset to September 1, 2008.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 187** A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 187\*

Short Title:   Encourage Policies to Facilitate Graduation. (Public)

Sponsors:   Representatives Parmon, Fisher, Tarleton, Current (Primary Sponsors); Bell, Blue, Bordsen, Bryant, Carney, Cotham, Dickson, England, Faison, Glazier, Harrison, Hughes, Lucas, Luebke, Mackey, Pierce, Rapp, Ross, Weiss, and Womble.

Referred to:   Education, if favorable, Judiciary II.

February 18, 2009

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES  
3 TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO  
4 PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, IMPLEMENT  
5 PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION  
6 BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE  
7 PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, REDUCE  
8 SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC  
9 PROGRESS DURING SUSPENSIONS, AND PROVIDE ASSISTANCE AND SUPPORT  
10 TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS  
11 RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT  
12 PREVENTION AND HIGH SCHOOL GRADUATION.

13 The General Assembly of North Carolina enacts:

14       **SECTION 1.** G.S. 115C-47(34) is amended to read:

15       "(34) To Encourage the Business Community to Facilitate Student Achievement. –  
16       Local boards of education, in consultation with local business leaders, shall  
17       develop voluntary guidelines relating to after-school employment. The  
18       guidelines may include an agreement to limit the number of hours a student  
19       may work or to tie the number of hours a student may work to his academic  
20       performance, school attendance, and economic need. The General Assembly  
21       finds that local boards of education do not currently have information  
22       regarding how many of their students are employed after school and how  
23       many hours they work; the General Assembly urges local boards of  
24       education to compile this critical information so that the State can determine  
25       to what extent these students' work affects their school performance.  
26       Local boards of education shall work with local business ~~leaders~~leaders,  
27       including local chambers of commerce, to encourage employers to include  
28       and adopt as part of their stated personnel policies time for employees who  
29       are ~~provide~~ parents or guardians ~~with time~~ to attend conferences with their  
30       children's teachers.

31       The Superintendent of Public Instruction shall provide guidance and  
32       technical assistance to the local boards of education on carrying out the  
33       provisions of this subdivision."



\* H 1 8 7 - V - 1 \*

1           **SECTION 2.** G.S. 115C-47 is amended by adding the following new subdivisions  
2 to read:

3           **"(53) To Encourage Programs for Successful Transition Between the Middle**  
4 **School and High School Years.** – Local boards of education are encouraged  
5 **to adopt policies to implement programs that assist students in making a**  
6 **successful transition between the middle school and high school years. The**  
7 **programs may include Ninth Grade Academies, programs to effectively**  
8 **prepare eighth grade students for the expectations and rigors of high school,**  
9 **early warning systems to flag students not ready for ninth grade and develop**  
10 **plans for those students, mentoring programs that pair upperclassmen with**  
11 **incoming students; and graduation plans for students who have fallen behind**  
12 **and are off-track for graduation.**

13           **(54) To Increase Parental Involvement in Student Achievement and Graduation**  
14 **Preparation.** – Local boards of education are encouraged to adopt policies to  
15 **promote and support parental involvement in student learning and**  
16 **achievement at school and at home and to encourage successful progress**  
17 **toward graduation. These policies may include strategies to increase school**  
18 **communications with parents regarding expectations for students, graduation**  
19 **requirements, and available course offerings, to provide increased**  
20 **opportunities for parental involvement in schools, and to create an**  
21 **environment in the schools conducive for parental involvement.**

22           **(55) To Reduce Suspension and Expulsion Rates and Provide for Academic**  
23 **Progress During Suspensions.** – Local boards of education are encouraged to  
24 **adopt policies and best practices to reduce short and long-term suspension**  
25 **and expulsion rates and to provide alternative learning programs for**  
26 **continued academic progress for students who are short- and long-term**  
27 **suspended."**

28           **SECTION 3.** G.S. 115C-375.5(b) is amended to read:

29           **"(b)** Local boards of education shall adopt a policy to ensure that pregnant and parenting  
30 **students are not discriminated against or excluded from school or any program, class, or**  
31 **extracurricular activity because they are pregnant or parenting students.** ~~student and to provide~~  
32 ~~assistance and support to encourage pregnant and parenting students to remain enrolled in~~  
33 ~~school and graduate.~~ The policy shall include, at a minimum, all of the following:

34           (1) Local school administrative units shall use, as needed, supplemental funds  
35 from the At-Risk Student Services allotment to support programs for  
36 pregnant and parenting students.

37           (2) Notwithstanding Part 1 of Article 26 of this Chapter, pregnant and parenting  
38 students shall be given excused absences from school for pregnancy and  
39 related conditions for the length of time the student's physician finds  
40 medically necessary. This includes absences due to the illness or medical  
41 appointment during school hours of a child of whom the student is the  
42 custodial parent.

43           (3) Homework and make-up work shall be made available to pregnant and  
44 parenting students to ensure that they have the opportunity to keep current  
45 with assignments and avoid losing course credit because of their absence  
46 from school and, to the extent necessary, a homebound teacher shall be  
47 assigned."

48           **SECTION 4.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 187\*  
PROPOSED COMMITTEE SUBSTITUTE H187-PCS80100-RQ-1**

Short Title: Encourage Policies to Facilitate Graduation.

(Public)

Sponsors:

Referred to:

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-47(34) reads as rewritten:

"(34) To Encourage the Business Community to Facilitate Student Achievement. – Local boards of education, in consultation with local business leaders, shall develop voluntary guidelines relating to after-school employment. The guidelines may include an agreement to limit the number of hours a student may work or to tie the number of hours a student may work to his academic performance, school attendance, and economic need. The General Assembly finds that local boards of education do not currently have information regarding how many of their students are employed after school and how many hours they work; the General Assembly urges local boards of education to compile this critical information so that the State can determine to what extent these students' work affects their school performance.

Local boards of education shall work with local business ~~leaders-leaders,~~ including local chambers of commerce, to encourage employers to include and adopt as part of their stated personnel policies time for employees who ~~are provide~~ parents or guardians ~~with time~~ to attend conferences with their children's teachers.



\* H 1 8 7 - P C S 8 0 1 0 0 - C S R Q - 1 \*



The Superintendent of Public Instruction shall provide guidance and technical assistance to the local boards of education on carrying out the provisions of this subdivision."

SECTION 2. G.S. 115C-47 is amended by adding the following new subdivisions to read:

"(53) To Encourage Programs for Successful Transition Between the Middle School and High School Years. – Local boards of education are encouraged to adopt policies to implement programs that assist students in making a successful transition between the middle school and high school years. The programs may include Ninth Grade Academies, programs to effectively prepare eighth grade students for the expectations and rigors of high school, early warning systems to flag students not ready for ninth grade and develop plans for those students, mentoring programs that pair upperclassmen with incoming students, and graduation plans for students who have fallen behind and are off track for graduation.

(54) To Increase Parental Involvement in Student Achievement and Graduation Preparation. – Local boards of education are encouraged to adopt policies to promote and support parental involvement in student learning and achievement at school and at home and to encourage successful progress toward graduation. These policies may include strategies to increase school communications with parents regarding expectations for students, graduation requirements, and available course offerings, to provide increased opportunities for parental involvement in schools, and to create an environment in the schools conducive for parental involvement.

(55) To Reduce Suspension and Expulsion Rates and Provide for Academic Progress During Suspensions. – Local boards of education are encouraged to adopt policies and best practices to reduce suspension and expulsion rates and to provide alternative learning programs for continued academic progress for students who have been suspended."

SECTION 3. G.S. 115C-375.5(b) reads as rewritten:

"(b) Local boards of education shall adopt a policy to ensure that pregnant and parenting students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting ~~students~~. students and to provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate. The policy shall include, at a minimum, all of the following:

- (1) Local school administrative units shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students.
- (2) Notwithstanding Part 1 of Article 26 of this Chapter, pregnant and parenting students shall be given excused absences from school for pregnancy and related conditions for the length of time the student's physician finds medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.
- (3) Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school and, to the extent necessary, a homebound teacher shall be assigned."

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 187\*  
PROPOSED COMMITTEE SUBSTITUTE H187-CSRQ-1 [v.2]

2/27/2009 3:44:28 PM

Short Title: Encourage Policies to Facilitate Graduation.

(Public)

Sponsors:

Referred to:

February 18, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL  
3 BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO  
4 ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF  
5 EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST  
6 STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE  
7 SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN  
8 STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES  
9 AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO  
10 DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT  
11 AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO  
12 ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS  
13 RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT  
14 PREVENTION AND HIGH SCHOOL GRADUATION.

15 The General Assembly of North Carolina enacts:

16 SECTION 1. G.S. 115C-47(34) is amended to read:

17 "(34) To Encourage the Business Community to Facilitate Student Achievement. –  
18 Local boards of education, in consultation with local business leaders, shall  
19 develop voluntary guidelines relating to after-school employment. The  
20 guidelines may include an agreement to limit the number of hours a student  
21 may work or to tie the number of hours a student may work to his academic  
22 performance, school attendance, and economic need. The General Assembly  
23 finds that local boards of education do not currently have information  
24 regarding how many of their students are employed after school and how  
25 many hours they work; the General Assembly urges local boards of  
26 education to compile this critical information so that the State can determine  
27 to what extent these students' work affects their school performance.  
28 Local boards of education shall work with local business ~~leaders~~ leaders,  
29 including local chambers of commerce, to encourage employers to include  
30 and adopt as part of their stated personnel policies time for employees who  
31 are provide ~~parents or guardians with time to attend conferences with their~~  
32 children's teachers.



The Superintendent of Public Instruction shall provide guidance and technical assistance to the local boards of education on carrying out the provisions of this subdivision."

**SECTION 2.** G.S. 115C-47 is amended by adding the following new subdivisions to read:

**"(53) To Encourage Programs for Successful Transition Between the Middle School and High School Years. – Local boards of education are encouraged to adopt policies to implement programs that assist students in making a successful transition between the middle school and high school years. The programs may include Ninth Grade Academies, programs to effectively prepare eighth grade students for the expectations and rigors of high school, early warning systems to flag students not ready for ninth grade and develop plans for those students, mentoring programs that pair upperclassmen with incoming students; and graduation plans for students who have fallen behind and are off-track for graduation.**

**(54) To Increase Parental Involvement in Student Achievement and Graduation Preparation. – Local boards of education are encouraged to adopt policies to promote and support parental involvement in student learning and achievement at school and at home and to encourage successful progress toward graduation. These policies may include strategies to increase school communications with parents regarding expectations for students, graduation requirements, and available course offerings, to provide increased opportunities for parental involvement in schools, and to create an environment in the schools conducive for parental involvement.**

**(55) To Reduce Suspension and Expulsion Rates and Provide for Academic Progress During Suspensions. – Local boards of education are encouraged to adopt policies and best practices to reduce short and long-term suspension and expulsion rates and to provide alternative learning programs for continued academic progress for students who are short- and long-term suspended."**

**SECTION 3.** G.S. 115C-375.5(b) is amended to read:

**"(b) Local boards of education shall adopt a policy to ensure that pregnant and parenting students are not discriminated against or excluded from school or any program, class, or extracurricular activity because they are pregnant or parenting ~~students~~ students and to provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate.** The policy shall include, at a minimum, all of the following:

- (1) Local school administrative units shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students.**
- (2) Notwithstanding Part 1 of Article 26 of this Chapter, pregnant and parenting students shall be given excused absences from school for pregnancy and related conditions for the length of time the student's physician finds medically necessary. This includes absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent.**
- (3) Homework and make-up work shall be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school and, to the extent necessary, a homebound teacher shall be assigned."**

**SECTION 4.** This act is effective when it becomes law.



# HOUSE BILL 187: Encourage Policies to Facilitate Graduation

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary II	<b>Date:</b>	February 27, 2009
<b>Introduced by:</b>	Reps. Parmon, Fisher, Tarleton, Current	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition H187-CSRQ-1[v.2]		Committee Counsel

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**SUMMARY:** *House Bill 187 directs local boards of education to encourage businesses to adopt personnel policies to allow parents to attend student conferences. It also encourages local boards of education to adopt policies to: (i) use programs that assist students in making successful transitions from middle to high school, (ii) increase parental involvement in student achievement, and (iii) reduce suspension and expulsion rates and encourage academic progress during suspensions. Local boards of education would also be directed to modify their policy on pregnant and parenting teens to provide assistance and support to help them graduate.*

*The Proposed Committee Substitute makes technical changes to the long title of the bill.*

## **BILL ANALYSIS:**

**Section 1:** Current law directs local boards of education to work with local businesses to encourage employers to provide time to parents to attend parent-teacher conferences. The bill would amend the law to direct local boards of education to work with local chambers of commerce as well as business leaders to encourage employers to adopt personnel policies that allow parents to take time to attend conferences with their children's teachers.

**Section 2:** This section would encourage local boards of education to adopt policies to:

- Implement programs to assist students in making a successful transition between middle school and high school. This could include Ninth Grade Academies; programs to prepare students for high school; early warning systems to flag students who are not ready for high school and develop plans for them; mentoring programs; and graduation plans for students who are not on track for graduation.
- Increase and support parental involvement in student achievement and successful progress toward graduation. This could include more communications between schools and parents on expectations for students, graduation requirements, and opportunities for parental involvement.
- Reduce suspension and expulsion rates and provide for academic progress during suspensions. This would include using best practices to reduce short and long-term suspensions and expulsions, and providing alternative learning programs that promote academic progress for students placed on short and long term suspensions.

**Section 3:** Local boards of education currently must have policies to ensure pregnant and parenting students are not discriminated against or excluded from school or any program, class or activity because they are pregnant or parenting. This section would direct the local boards of education to modify the policies to include providing assistance and support to encourage pregnant and parenting students to graduate.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law.

**BACKGROUND:** The bill is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation.

H187-SMRQ-6(CSRQ-1v1) v6

# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. PCS 187-CERO-1(v.2) DATE 3/3/09

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

COMMITTEE SUBSTITUTE \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) Stam  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 2, line 24

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the following: "short and long term"; and on

4 \_\_\_\_\_

5 p. 2, line 24 by deleting "are short and long term"

6 and substituting "have been"

7 \_\_\_\_\_

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19 \_\_\_\_\_

SIGNED Stam

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**March 3, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>CAMERON PIERCE</b>	<b>BURKE</b>	<b>BLACKWELL</b>
<b>VAN JOHNSON</b>	<b>CHOWAN</b>	<b>SPEAR</b>

## **SGT-AT-ARMS**

**John Brandon**  
**Marvin Lee**  
**Martha Parrish**  
**Trey Riley**  
**Judy Turner - New**

## **9 NEW MEMBERS OF EDUCATION**

**REP. BLACKWELL**  
**REP. BURRIS-FLOYD**  
**REP. E. FLOYD**  
**REP. JACKSON**  
**REP. McCORMICK**

**REP. MILLS**  
**REP. RHYNE**  
**REP. STEWART**  
**REP. WHILDEN**

**HOUSE EDUCATION COMMITTEE  
643 Legislative Office Building  
Representative Marvin W. Lucas, Presiding  
11:00 A.M.  
Tuesday, March 10, 2009**

**Representative Lucas called the meeting to order, welcomed everyone and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

**Representative Parmon was called on to explain HB 185 – Communities in Schools Funds. There were questions and comments by several of the representatives. Representative Womble made motion for a favorable report to the bill and re-referred to the Committee on Appropriations. The committee concurs and the motion passes.**

**HB 188 Study Raising Compulsory Attendance Age was displaced until a later time.**

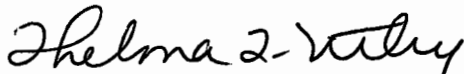
**Representative Parmon was called on to explain HB 88 Healthy Youth Act. There were comments by members, Ms. Connie Parker, NC School Community Health Alliance, New Hanover County. There were three (3) handouts passed out: (1) Healthy Youth NC – Prevention is the Key; (2) Adolescent Pregnancy Prevention; and (3) North Carolina Family Policy Council. Representative Glazier moved for a favorable report and to refer the bill to Committee on Health. There was a call for a roll call vote. Thirty-two (32) voted yes and twenty-one (21) voted no. HB 88 was given a favorable report and recommendation that the bill be re-referred to the Committee on Health. The committee concurred.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, March 10, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 88	Healthy Youth Act.	Representative England, M.D. Representative Fisher Representative Adams
HB 185	Communities in Schools Funds.	Representative Wilkins, Jr. Representative Parmon Representative Fisher Representative Tarleton Representative Bryant
HB 188	Study Raising Compulsory Attendance Age.	Representative Parmon Representative Tarleton Representative Current, Sr. Representative Bryant

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:00 o'clock on **March 05, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)



# VISITOR REGISTRATION SHEET

EDUCATION

03/10/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Juanita Cammondeau	Thomasville senior High
Latrice Burgess	Thomasville Senior High
Gregory Kennedy	Thomasville senior High
Tanita Tillman	Thomasville Senior High
Rawn Long	Thomasville High School
Latrice Kennedy	Thomasville High
Mercedes Sanders	Thomasville High School
Brittany Ingram	Thomasville High School
Kuanisha Hardaway	Thomasville High School
Diandra Martin	University of North Carolina at Charlotte
Jennifer Jarvis	Planned Parenthood: Adolescent Parenting Program
Dana King	Planned Parenthood: Adolescent Parenting Program
Kay Phillips	APPENC
Michelle Lake	APPENC

New Hanover  
County

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03/10/2009

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NAME

FIRM OR AGENCY AND ADDRESS

<i>[Signature]</i>	NC PAPA
<i>[Signature]</i>	WCPS
Joe Stewart	NC Chamber
Marlene Foster	Phizer
Erilyn Hawthorne	CISNC, PENC
Omega McKinnon	CISNC
Danya Perry	CISNC
Michael Stephens	CISNC
Kathleen Clarke-Pearson <sup>MD</sup>	NC Pediatric Society
Kathryn Hardie	NC Pediatric Society
Vanessa Bannan-Allen	Rep. Wilkins Constituent

# VISITOR REGISTRATION SHEET

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03/10/2009

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NAME

FIRM OR AGENCY AND ADDRESS

Sean Kosofsky	NARAL 514 Daniels St #142 Raleigh
Alexis Travars	- student visitor Planned Parenthood of Cen. NC
Mary Hope Willard	(youth advocate) Planned Parenthood of Central NC
Roz Sawitt	NCCOE
Jina Ayn	Ed Consultant
Sim Stegall	UICPS
Rob Thonigen	Covenant
Sheria Reid	IOG
LP	NCCOE
Paula Wolf	NC NOW/MOD
Annabess Brown	6504 Falls of Newse Rd., Ste. 100, Raleigh March of Dimes 27615

# VISITOR REGISTRATION SHEET

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03/10/2009

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Niakeya Jones	Teen outreach Program APP (adolescent Program, Pearland)
Tanya Monroe	Teen Outreach Program (Robeson County) APPNC
Judith Onwuzulike	Advisory Council Teen Outreach Program Community Advocate, Markon, NC
Phyllis McLendon	<del>APP</del> Parent
Renae Cloud	AAPC Volunteer
Tankor McLendon	AAPC member
Chiffonda Holloway	FYI 607 E Academy St, FV NC 27526
Olivia Davis	APPC NC 3708 Mayfair St. Durham, NC 27707
Jane Gue	Fuquay Varina Citizens Against Drugs 118-B East Jones St, Fuquay Varina NC 27526
Chelsea Collier	"
Tory Perkins	"

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NAME

FIRM OR AGENCY AND ADDRESS

BRIAN LEWIS	NC Assoc. of Educators
Zach Curtis	Citizen
Jezette Rivera	Intern-Rep. ROSS
Keshia Leonard	WCSR
Pamela Glover	Lee County Public Health
Pat Casper	Orange Co. DSS - APP
Beth Creech	Orange Co Adolescent Parenting Program
Antionette Satterwhite	(Teen Parent) - APP
Raymonna Hall	APP (Teen Parent) Advocate
Christina Harrington	APP (Teen parent) -
Bradley Castle	APP (Teen parent) - APP

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03/10/2009

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NAME

FIRM OR AGENCY AND ADDRESS

Maggie Coates	Fuquay-Varina "
Kristi Dutton	Fuquay-Varina "
Chandler Randall	Fuquay "
Tariq Dillard	Fuquay "
Emily Felino	Adolescent Pregnancy Prevention Campaign of NC
Brandy Strock	Broughton High School, Wake Tech
Jennifer Woody	NC DPH Raleigh NC
Alison Sweeney	Duke University Medical Center
Heather Morgan-Gulnar	Burke Co Health Dept
Kim Spruell	Burke Co. Health Dept
Alysa Rutherford	Burke Co. Teen Parenting

# VISITOR REGISTRATION SHEET

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03/10/2009

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NAME

FIRM OR AGENCY AND ADDRESS

Natalie Fixmer - Ortiz	Rep Wilkins District
Rebecca Newell	Rep. Wilkins District
Alison Kisor	Planned Parenthood
Melissa Reed	Planned Parenthood
Lanya Shapiro	Planned Parenthood + Traction
Rebecca Davidson	Planned Parenthood
Keith Sutton	DJJDP
Lafonda Jones	NARAL
Deann Butter	NARAL
Mark Lindsay	Planned Parenthood + Traction
Andrew Bunten	NARAL

# VISITOR REGISTRATION SHEET

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Name of Committee

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NAME

FIRM OR AGENCY AND ADDRESS

Caroline Hightower	Anson County Partnership for Children
Bonnie Morgan	117 S. Greene St - Wadesboro NC 28170 ANSON CO PARTNERSHIP for Children
Kim Wilson	" "
Mari Fitz-Wynn	NCHC
Norlan Graves	Rep. Hall
Darnell Boyd	Rep. Adams
Devon A. Barnes	Rep. Adams
Bill Brooks	NCFPC
Leanne Wimer	WCSBA
Sarah Preston	ACLU - NC
Patricia Yancy	APPCNC
Tchernavia Randolph	APPCNC



# VISITOR REGISTRATION SHEET

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03/10/2009

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NAME

FIRM OR AGENCY AND ADDRESS

Joe Maynard	CMS
Carla Brackett	NCSBA
TINA Gordon	NCNurs Assoc.
Joanne Skiers	NMSing
Chp Byrd	NCMS
Patricia Presnell, Jr.	NCRSP
Michael	Primer Sprawl
Emily Doyle	NCPAPA
Lloyd Throum	NCPAPA
Katherine Joya	NCA5A
Kendall Jordan	NC FORUM

# VISITOR REGISTRATION SHEET

EDUCATION

03/10/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME	FIRM OR AGENCY AND ADDRESS
Rev. Mark Creech	CAV
David Bray	MWR
Bill Lynch	SELF
Brittany Farrell	NCFPC
John MA	NCFPC
Jamie Fitzgerald	NC4 Marriage
Chris Minard	State Bd of Ed
Paula Collins	SBE
Daniel Work	Retired Exec NC Pharmacy Bd
Janet Cohn	Planned Parenthood
Meredith Herba	CIU
Cindy Taylor-Lisensky	ACPC

# VISITOR REGISTRATION SHEET

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Date

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NAME

FIRM OR AGENCY AND ADDRESS

Ashley Palmer	Burke Co. Pregnant Teen
Kelly Serres	Burke Co. <sup>soon to be</sup> Teen father
Yashira King	Greene Co. Health Care Student Health Services - AP2
Camille Serres	Greene Co. Health Care Student Health Services - AP3
Jasmine Davis	Planned Parenthood Guilford County
Shirley King	Planned Parenthood Guilford County
Mary Connor Hill	Planned Parenthood Guilford County
Dennis White	Planned Parenthood Guilford County
Sally Swanson	Parent/Adol Preg. Prev. Campaign of NC
DIANA HASSELL	LEAGUE OF WOMEN VOTERS

7

AHAD 2009  
Youth Sign-In

**Wake Teen Medical Services (10)**

Leader: Jenny Palmer

- 1 Takeiah Perry
- 2 Keosha Williams
- 3 Shamika Hodge
- 4 Shane Hodge
- 5 Reba Hodge
- 6 Becky Carroll
- 7 Dulce Quirino
- 8 CJ Moore
- 9 Darren Alexander
- 10 Brandy Strock

**Planned Parenthood of Raleigh (11)**

Leader: Shannon Heintz

- 11 Rachel Anderson
- 12 Charles Baylor
- 13 Nick Jaworski
- 14 Angelia Jordan
- 15 Joshua McClam
- 16 Sabrina McMillian
- 17 Silverra Ortiz
- 18 Darius Pulley
- 19 Briana Robinson
- 20 Courtney Vick
- 21 Tyler Moore

**Orange County Adolescent Pregnancy Prevention (8)**

Leader: E. Beth Creech

- 22 LaQuandra Reid
- 23 Rayonna Hall
- 24 Scarlett Mara Snipes
- 25 Ruby Roberson
- 26 Antionette Satterwhite
- 27 Brad Castle
- 28 Christina Harrington
- 29 Kasey Burney

**Youth Empowered Solutions (4)**

Leader: Aidil Collins

- 30 Sydney Brunson
- 31 Rachel Holtzman
- 32 Jarett Campbell
- 33 Jaqueta Cherry

**Forsyth County Health Department (6)**

Leader: Rolanda Coleman

- 34 Tassa Kirby
- 35 Paula Moore
- 36 Arwilda Cannady
- 37 Ashleigh Cannady
- 38 Tierra Harper
- 39 Jazmine Campbell

**APPCNC Youth Council (9)**

Leader: Emily Pelino

- 40 Dan Jubelirer
- 41 Maria Williams
- 42 Taylor McLendon
- 43 Renee Cloud
- 44 Montana Snow
- 45 Lee Jones
- 46 Kendra Miller

AHAD 2009  
Youth Sign-In

47 Emma Trissolini Sydney Brunson (2) <b>Planned Parenthood of Central NC (11)</b>	Leader: Monika Thigpen
48 Sidnee Williams	
49 Tia Beasley	
50 Thomas Mann (Tony)	
51 Naomi Franklin	
52 Jessica Morning	
53 Briana Kyle	
54 Lamar Rapu	
55 Deandra Newsome	
56 Renee' Hernandez	
57 Chris Bowen	
58 Krystal Phillips <b>Planned Parenthood (Greensboro) (4)</b>	Leader: Mary Connor Hill
59 Jasmine Davis	
60 Amber Watlington	
61 Macen Revels	
62 Darius White <b>YWCA of Greensboro (2)</b>	Leader: Charisse Hart
63 Brittany Black	
64 Tori Miller <b>Planned Parenthood (Charlotte) (3)</b>	Leader: Kim Gaither
65 Rochelle Maignan	
66 Tamara Smith	
67 Maranta White <b>Burke County Health Department (4)</b>	Leader: Heather Morgan-Gulnac
68 Elizabeth Walker	
69 Kelly Secrest	
70 Ayla Rutherford	
71 Ashley Palmer <b>Wilmington Health Access for Teens (4)</b>	Leader: Carlos Bryson
72 Moises Rojas	
73 Angelica Reyes	
74 Birivey Robles	
75 Yanira Ramires <b>? (4)</b>	Leader: Letitia Ross
76 Rita Bomar	
77 Justin Wright	
78 Brandy Burgin	
79 Marquitta Williams <b>TPP of Thomasville</b>	Leader: Michele Garkusha

AHAD 2009  
Youth Sign-In

**TOTAL TEENS: 79**

Name	Address	City	State	Postal	Country	Email	Phone
Adams, Emily	1765 Dobbins Drive	Chapel Hill	NC	27514	United States	emily.adams@ppcentralnc.org	(919) 636- 0307
Administrator						administrator@appcnc.org	
Alexander, Derrick	301.E Washington St.	Greensboro	NC	27401	United States	derrick_alexander@msn.com	336-333- 6890-ex 239
amundson, wendy	4620 cedar ave suite 117	wilmington	NC	28411	United States	wendy.amundson@pphsinc.org	910-762- 3497
Basham, Michael						mbasham@hertford.k12.nc.us	
Bass, Leeann						lbass@appcnc.org	
Bilyeu, Julie						julie_bilyeu@merck.com	
Blackmon, Cynthia						wiseguys@flcgso.com	
boren, sandra	1200 North Elm Street	Greensboro	NC	27404	United States	sandra.boren@mosescone.com	336-8329555
Bowman, Tangela						tangela.bowman@ywcaofasheville.org	
Brinkley, Linda	4008 Cardigan Place	Raleigh	NC	27609	United States	lbral@bellsouth.net	919-781- 5749
Brooks, Erica						e_harrell2004@yahoo.com	
Bryson, Carlos	4005 Oleander Drive	Wilmington	NC	28403	United States	carlosbryson@whatswhat.org	910.790.9949
Burchel, Jim						jburchel@gmail.com	
Butler, Deann	10105-D John J Delaney Blvd Box 240	Charlotte	NC	28277	United States	deann@prochoicenc.org	704-649- 3348
Byrd, Genele						byrdgr@appstate.edu	
Byrd, Kwanna						ccpfccrr@esinc.net	
Casper, Pat	200 W. Tryon St.	Hillsborough	NC	27278	United States	pcasper@co.orange.nc.us	(919) 812- 5199
CCAH						ccah@charter.net	
Clubb, Shannon						shannon.clubb@co.gaston.nc.us	
Coleman, Rolanda	799 N. Highland Avenue	Winston- Salem	NC	27101	United States	colemarp@forsyth.cc	3367033269
Collins, Aidil	115 Market	Durham	NC	27701	United	aidil@youthempoweredolutions.org	(919) 260-

	St., Suite 220				States		4807
Connor Hill, Mary	1704 Battleground Ave	Greensboro	NC	27408	United States	mary.connor@pphsinc.org	336-373- 0678 ext 6843
Corey, Meredith						mcorey@hertford.k12.nc.us	
Craft, Rachel						rachelspc@gmail.com	
Creech, Beth	500 Orange High School Rd.	Hillsborough	NC	27278	United States	beth.creech@orange.k12.nc.us	(919) 732- 6133 ext. 20023
Cromartie, Shamaree						scromartie@rpmhd.org	
Crownover, Rodney	5601 Six Forks Rd	Raleigh	NC	27609	United States	rodney.crownover@ncmail.net	919-707- 5685
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**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, March 10, 2009**  
**Room 643 LOB**  
**11:00 A.M.**

**Representative Marvin W. Lucas**  
**Presiding Chair**

Call to Order

Welcome/Introductions

Bills to be considered:

H 185 Communities in Schools Funds (Reps. Parmon,  
Fisher, Tarleton, Bryant)

H 188 Study Raising Compulsory Attendance Age  
(Reps. Parmon, Tarleton, Current, Bryant)

H 88 Healthy Youth Act (Reps. England, Fisher, Adams,  
Wilkins).

Adjournment

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 88**      A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE  
UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN  
GRADES SEVEN THROUGH NINE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
HEALTH.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**ROLL CALL VOTE****YES -32 NO - 21 = 53****HB # 88 SB#****Absent - 2****HOUSE STANDING COMMITTEE ON EDUCATION**

<b>REPRESENTATIVES:</b>			<b>Y</b>	<b>N</b>	<b>REPRESENTATIVES:</b>			<b>Y</b>	<b>N</b>
<b>ADAMS</b>			*		<b>LANGDON (A)</b>				
<b>ALEXANDER</b>			*		<b>LOVE</b>			*	
<b>AVILA</b>				*	<b>McCORMICK</b>				*
<b>BLACKWELL</b>				*	<b>McELRAFT</b>				*
<b>BLACKWOOD</b>				*	<b>McLAWHORN</b>			*	
<b>BORDSEN</b>			*		<b>MICHAUX</b>			*	
<b>BROWN</b>				*	<b>MILLS</b>				*
<b>BRYANT</b>			*		<b>PARMON</b>			*	
<b>CARNEY</b>			*		<b>RAPP</b>			*	
<b>CLEVELAND</b>				*	<b>RHYNE</b>				*
<b>COTHAM</b>			*		<b>ROSS</b>			*	
<b>DICKSON</b>			*		<b>SAMUELSON</b>				*
<b>DOLLAR</b>				*	<b>STAM</b>				*
<b>ENGLAND</b>			*		<b>STEWART</b>			*	
<b>FISHER</b>			*		<b>STILLER</b>				*
<b>FLOYD-B</b>				*	<b>TARLETON</b>			*	
<b>FLOYD E.</b>			*		<b>TILLIS</b>				*
<b>FOLWELL</b>				*	<b>TOLSON</b>			*	
<b>GLAZIER</b>			*		<b>WARREN E.</b>			*	
<b>GOODWIN-W</b>			*		<b>WARREN R.</b>			*	
<b>HALL</b>			*		<b>WHILDEN</b>			*	
<b>HILTON</b>				*	<b>WILEY</b>				*
<b>HOLLOWAY</b>				*	<b>WILKENS</b>			*	
<b>HURLEY</b>				*	<b>WOMBLE</b>			*	
<b>INSKO</b>			*		<b>YONGUE</b>			*	
<b>JACKSON</b>			*		<b>BELL (A)</b>				
<b>JEFFUS</b>			*		<b>LUCAS</b>			*	
<b>JOHNSON</b>				*					

**55 Total Committee Members****(A) = Absent**

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

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HOUSE BILL 88

Short Title: Healthy Youth Act.

(Public)

Sponsors: Representatives England, Fisher, Adams, Wilkins (Primary Sponsors); K. Alexander, M. Alexander, Allen, Blue, Bordsen, Bryant, Carney, Cotham, Crawford, Dickson, Earle, Farmer-Butterfield, E. Floyd, Glazier, Goforth, Goodwin, Hall, Harrell, Harrison, Holliman, Hughes, Insko, Jackson, Jeffus, Jones, Lucas, Luebke, Mackey, Martin, Owens, Parmon, Ross, Sutton, Tarleton, Tolson, Wainwright, E. Warren, Weiss, Womble, and Wray.

Referred to: Rules, Calendar, and Operations of the House.

February 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the "Healthy Youth Act of 2009".

SECTION 2. G.S. 115C-81(e1)(1)l. reads as rewritten:

"l. Abstinence until marriage education; An abstinence only until marriage program, and an abstinence-based comprehensive sexuality education program; and".

SECTION 3. G.S. 115C-81(e1)(3) is repealed.

SECTION 4. G.S. 115C-81(e1)(4) reads as rewritten:

"(4) ~~The State Board of Education shall evaluate abstinence until marriage curricula and their learning materials and shall develop and maintain a recommended list of one or more approved abstinence until marriage curricula. The State Board may develop an abstinence until marriage program to include on the recommended list. The State Board of Education shall not select or develop a program for inclusion on the recommended list that does not include the positive benefits of abstinence until marriage and the risks of premarital sexual activity as the primary focus. The State Board shall include on the recommended list only programs that include, in appropriate grades and classes, instruction that:~~ Each local school administrative unit shall offer an abstinence only until marriage program commencing in the seventh grade that includes the following instruction:

- a. Teaches that abstinence from sexual activity outside of marriage is the expected standard for all school-age children;
- b. Presents techniques and strategies to deal with peer pressure and offering positive reinforcement;
- c. Presents reasons, skills, and strategies for remaining or becoming abstinent from sexual activity;
- d. Teaches that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted



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- diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional problems;
- e. Teaches that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS;
- f. Teaches the positive benefits of abstinence until marriage and the risks of premarital sexual activity;
- g. Provides opportunities that allow for interaction between the parent or legal guardian and the student; and
- h. Provides factually accurate biological or pathological information that is related to the human reproductive system."

**SECTION 5.** G.S. 115C-81(e1) is amended by adding two new subdivisions to

read:

- "(4a) Each local school administrative unit shall also offer an abstinence-based comprehensive sexuality health education program commencing in the seventh grade that includes the following instruction:
- a. Teaches respect for marriage and committed relationships;
- b. Teaches that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, reduce the risk of sexual transmission of diseases, including HIV/AIDS, and provide information about the value of abstinence;
- c. Teaches about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases;
- d. Teaches about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy;
- e. Teaches functional knowledge and essential skills to promote and maintain healthy behaviors that value lifelong good health and avoidance of risky behaviors such as alcohol and drug abuse, intravenous drug abuse, and unprotected sexual activity;
- f. Teaches awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:
1. Focus on healthy relationships;
  2. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction;
  3. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse; and
  4. Examine common misconceptions and stereotypes about sexual assault and sexual abuse;
- g. Provides opportunities that allow for interaction between the parent or legal guardian and the student;
- h. Provides that materials used in instruction shall be age appropriate for use with students; and
- i. Provides that information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education.

(4b) Each local school administrative unit shall (i) submit to all parents or guardians of students in grades seven through nine consent forms explaining the two available tracks, abstinence only until marriage and abstinence-based comprehensive sexuality education, and (ii) ask that each parent select a track for his or her child and return the signed consent form to the school. The consent form shall contain a statement in bold print that if the signed form is not returned to the school, the student will be enrolled in the abstinence-based comprehensive sexuality education program. Schools shall offer both options to all parents of students attending public school grades seven through nine."

**SECTION 6.** G.S. 115C-81(e1)(5) reads as rewritten:

"(5) The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at that unit any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to the abstinence only until marriage ~~curriculum~~ curriculum or abstinence-based comprehensive sexuality curriculum. The review period shall extend for at least 60 days before use."

**SECTION 7.** G.S. 115C-81(e1)(6) is repealed.

**SECTION 8.** G.S. 115C-81(e1)(7) reads as rewritten:

"(7) Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy, (ii) an abstinence only until marriage program, or (iii) ~~a comprehensive sexan~~ abstinence-based comprehensive sexuality education program, whether developed by the State or by the local board of education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials. Local boards of education shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs."

**SECTION 9.** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.



# What works to prevent too early pregnancies and STD/HIV transmission?

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*Importantly, for the field of pregnancy, STD/HIV prevention among youth, we have the benefit of over ten years of solid research indicating the types of programs that not only endeavor to educate young people about sexuality but also have an impact on the specific behaviors that lead to pregnancy or the transmission of an STD.*

## **Sex-Education Program Definitions:**

**Abstinence-Only Education** teaches abstinence as the only morally correct option of sexual expression for teenagers. It usually censors information about contraception and condoms for the prevention of sexually transmitted diseases (STDs) and unintended pregnancy.

**Abstinence-Only-Until-Marriage Education** teaches abstinence as the only morally correct option of sexual expression for unmarried young people. Programs funded under the 1996 Welfare Reform Act must censor information about contraception and condoms for the prevention of STDs and unintended pregnancy.

**Comprehensive Sex Education** teaches about abstinence as the best method for avoiding STDs and unintended pregnancy, but also teaches about condoms and contraception to reduce the risk of unintended pregnancy and of infection with STDs, including HIV. It also teaches interpersonal and communication skills and helps young people explore their own values, goals, and options.

**Abstinence-Based Education and Abstinence-Plus Education** are both terms normally used to mean comprehensive sexuality education.

## **What's the Big Difference?**

Given what we know through rigorous evaluations of both abstinence-only-until-marriage programs and comprehensive sex education, it is clear that only comprehensive programs have evidence of achieving desired behavioral outcomes. Those specific behaviors are: delaying the initiation of sex; reducing the frequency of sex; reducing the number of new partners; reducing the incidence of unprotected sex; and increasing the use of condoms and contraception among sexually active participants. Long term impacts include lower STI and/or pregnancy rates.

And, as all programs are not created equal, it is not enough to say comprehensive, we should be clear about what we mean by that. The following table gives some clear characteristics of effective programs.

Some common characteristics of *effective* curricula-based programs:

What was the content?	What were the teaching methods?
<ul style="list-style-type: none"><li>• Focused on clear health goals—the prevention of STD/HIV, pregnancy, or both</li><li>• Focused narrowly on specific types of behavior leading to these health goals (e.g., abstaining from sex or using condoms or other contraceptives), gave clear messages about these types of behavior, and addressed situations that might lead to them and how to avoid them</li><li>• Addressed sexual psychosocial risk and protective factors that affect sexual behavior (e.g., knowledge, perceived risks, values, attitudes, perceived norms, and self-efficacy) and changed them</li></ul>	<ul style="list-style-type: none"><li>• Created a safe social environment for young people to participate</li><li>• Included multiple activities to change each of the targeted risk and protective factors</li><li>• Employed instructionally sound teaching methods that actively involved participants, that helped them personalize the information, and that were designed to change the targeted risk and protective factors</li><li>• Employed activities, instructional methods, and behavioral messages that were appropriate to the teens' culture, developmental age, and sexual experience</li><li>• Covered topics in a logical sequence</li></ul>

For more information on how these programs were developed and implemented and program names see:  
[http://www.thenationalcampaign.org/resources/pdf/pubs/EA2007SUM\\_FINAL.pdf](http://www.thenationalcampaign.org/resources/pdf/pubs/EA2007SUM_FINAL.pdf)

## ***Equally Important!***

***Evaluations of comprehensive sex education and HIV/STI prevention programs show that they do NOT increase rates of sexual initiation, do NOT lower the age at which youth initiate sex and do NOT increase the frequency of sex or the number of sex partners among sexually active youth.***

***Conversely, when abstinence programs fail, the limited education can mean that teens are less likely to get STI testing and less likely to use a condom or contraception when they do have sex.***



# EVERY DAY IN NORTH CAROLINA 55 TEENAGE GIRLS BECOME PREGNANT

A total of 20,019 girls ages 10-19 became pregnant in 2007. (1)

Over 29% of the pregnancies to girls ages 15-19 were repeat pregnancies. (1)

In 2007 there were 3,166 pregnancies to North Carolina Latinas aged 15-19. The Latina teen pregnancy rate was 167.4, compared to 63.0 for the age group as a whole. (1)

North Carolina has the ninth highest teen pregnancy rate in the U.S. (2)

The number of 10-14-year-old girls who became pregnant in the year 2007 could fill eight school buses. (3)

Teen pregnancy cost North Carolina \$312,000,000 in 2004. (4)

Sixty-nine percent of North Carolina high school seniors reported having sexual intercourse at least once. (5)

## Nationally:

Although 15-24-year-olds represent only one-quarter of the sexually active population, they account for nearly half of all new STIs each year. (6)

In the United States, the teen pregnancy rate is more than nine times higher than that in the Netherlands, nearly four times higher than the rate in France, and nearly five times higher than that in Germany. (7)

Teens who have dropped out of school are more likely to become pregnant and have a child than their peers who stay in school. (8)

1. NC DHHS, Division of Public Health, State Center for Health Statistics
2. "U.S. Teenage Pregnancy Statistics: National and State Trends and Trends by Race and Ethnicity." The Guttmacher Institute, September 2006.
3. Adolescent Pregnancy Prevention Campaign of North Carolina
4. National Campaign to Prevent Teen Pregnancy
5. 2007 NC Youth Risk Behavior Survey
6. "Facts on American Teens' Sexual and Reproductive Health." The Guttmacher Institute, September 2006
7. Advocates for Youth
8. Kirby, D., *The Impact of Schools and School Programs upon Adolescent Sexual Behavior*. The Journal of Sex Research, 2002. 39(1): p. 27-33



How would the HEALTHY YOUTH ACT be administered in schools?  
*The Health Youth Act makes amendments to the sexual health education segments of the standard course of study for general health education. Therefore, this is already a required unit.*

*The Healthy Youth Act (HB 88, SB 221):*

- *IS NOT creating a new class requirement*
- *IS giving the option to supplement one UNIT within an existing class*
- *IS allowing parents to decide to keep the abstinence-only unit or swap it with a abstinence-based comprehensive unit (The UNIT swap is the equivalent of approx. 10 school days)*

*Logistics can be handled in different ways based on the resources, needs, and size of particular school districts.*

**Examples of potential school logistics and scheduling:**

Small School District	Large School District
<p><i>Student and School Basics</i></p> <ul style="list-style-type: none"> <li>• Approximately 100 students per grade</li> <li>• All middle school students must enroll in the Healthful Living class one semester per year</li> <li>• 2 elective teachers are responsible for the various health and physical education courses (typically 1 health, 1 P.E.)</li> </ul> <p><i>Utilizing Current Staff</i></p> <ul style="list-style-type: none"> <li>• Train current health teacher in both abstinence-only and abstinence-based comprehensive curricula               <ul style="list-style-type: none"> <li>○ Offer different curricula by semester</li> <li>○ Offer different curricula by class period</li> <li>○ M/W abstinence-only; T/Th comprehensive</li> </ul> </li> </ul>	<p><i>Student and School Basics</i></p> <ul style="list-style-type: none"> <li>• Approximately 350 students per grade</li> <li>• 3 elective teachers are responsible for the various health and physical education courses</li> </ul> <p><i>Utilizing Current Staff Members</i></p> <ul style="list-style-type: none"> <li>• Train all 3 current health teachers in both abstinence-only and abstinence-based comprehensive curricula (<i>All 3 instructors could teach both courses, with class numbers dependent on student selection</i>)</li> <li>• Train 1 current health teacher in abstinence-only and 1 other teacher in abstinence-based comprehensive curricula               <ul style="list-style-type: none"> <li>○ Abstinence-only instructor teaches number of classes based on need and supplements with additional PE classes</li> <li>○ Comprehensive instructor teaches number of classes based on need and supplements with additional PE classes</li> <li>○ 3rd teacher continues teaching 6th grade Healthful Living curricula and PE classes</li> </ul> </li> </ul>
Any Sized School District	
<p><i>Utilizing Local Health Department</i></p> <ul style="list-style-type: none"> <li>• Maintain current system for Healthful Living classes</li> <li>• During the sexuality education unit,               <ul style="list-style-type: none"> <li>○ Health teacher teaches abstinence-only</li> <li>○ Health educator (from health dept) teaches abstinence-based comprehensive                   <ul style="list-style-type: none"> <li>▪ Needs: secure other classroom, library, etc. for health educator</li> </ul> </li> </ul> </li> </ul>	



## **“Healthy Youth Act” Would Put Adolescents & Teens At Risk**

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**Applicable Bills: House Bill 88, Senate Bill 221**

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***North Carolina public schools have a “no tolerance” policy when it comes to tobacco, alcohol and drug use. Our public schools teach adolescents and teens about the harms associated with these substances and strongly discourage students from using tobacco, alcohol and drugs. We would never accept an approach that assumes students are going to smoke, drink and do drugs and therefore should be educated about all of the forms of tobacco products, alcohol and illicit drugs; how those different substances can be ingested, injected, inhaled or otherwise consumed; and how students can “reduce the risk of harm” should they choose to engage in these high risk behaviors.***

***Why, then, would we accept such an approach when teaching our adolescents and teens about sex, as House Bill 88 and Senate Bill 221 propose?***

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**HB 88 & SB 221 are Unnecessary:** These bills purport to establish a “two-track” approach to sex education in North Carolina, but our public schools already have the opportunity to provide instruction beyond the required abstinence until marriage education curriculum.<sup>1</sup> To date, only about 10 of the state's 115 local school systems have opted for an expanded comprehensive sex education curriculum, demonstrating that the vast majority of our schools support abstinence until marriage education.<sup>2</sup>

**HB 88 & SB 221 Would Change Sex Education in North Carolina and “Sell Our Kids Short:”** Under North Carolina's existing law, “abstinence from ‘sexual activity’ outside of marriage is the expected standard for all school-age children.”<sup>3</sup> These bills would change this standard to one that defaults to comprehensive sex education, teaching that abstinence from “sexual intercourse” is the standard of behavior.<sup>4</sup> This subtle but significant difference suggests that adolescents and teens can engage in non-intercourse sexual activity and be “safe” from contracting HIV/AIDS and STDs. HB 88 and SB 221 would change North Carolina's default sex education policy from one that focuses on “risk elimination” through abstinence to one that focuses on “risk reduction” through the use of condoms and contraceptives, and, as a result, would place many of our students at harm.

**HB 88 & SB 221 Would Require Instruction in ALL Forms of FDA Approved Contraception as Early as the 7<sup>th</sup> Grade.** These bills direct that “comprehensive sex education instruction shall include “the effectiveness and safety of *all* federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases,” and “the effectiveness and safety of *all* FDA-approved contraceptive methods in preventing pregnancy.” Among others, these include: *male condoms, female condoms, emergency contraception, diaphragms, cervical caps, sponges, spermicides, oral contraceptives, skin patches, vaginal contraceptive rings, contraceptive injections, implanted contraceptives, intrauterine devices, and surgical sterilization.*<sup>5</sup> All of this to children as young as 12-years-old.

**HB 88 & SB 221 Would Open the Door for the Promotion of “Alternative” Sexual Behaviors.** These bills would strike the current requirement that students be instructed “that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS”<sup>6</sup> and would replace it with instruction in

"respect for marriage and **committed relationships**." While it is important to teach students the value of marriage and commitment, instructing students that "committed" heterosexual, homosexual, bisexual, and multi-partner relationships are just as healthy and safe as marriage is misleading and wrong. The passage of HB 88 or SB 221 would result in these forms of relationships being presented as normal, acceptable and on a footing equal to marriage.

**"Abstinence-Based" is not Authentic Abstinence Until Marriage Education:** HB 88 and SB 221 would establish a new "abstinence-based comprehensive sexuality education program," but despite the name, this program is likely to focus very little on an authentic abstinence message. As stated earlier, these bills propose a standard of abstinence from "sexual intercourse" as opposed to our current law, which sets a standard of abstinence from all "sexual activity." The approach sought by these bills is consistent with the findings of a 2004 study by the Heritage Foundation. After reviewing many of the most popular abstinence until marriage curricula and "abstinence-based" or "abstinence-plus" comprehensive sex education curricula, the study found that authentic abstinence until marriage education programs dedicate 54 percent of their page content to an abstinence message and over 17 percent of their content to the subjects of healthy relationships and the benefits of marriage.<sup>7</sup> Comprehensive sex education programs, on the other hand, dedicate less than five percent of page content to an abstinence message and zero percent of their content to healthy relationships and marriage.

**Conclusion:** Just like with tobacco, alcohol and drugs, North Carolina should set a high standard for sex education. We should expect our students to demonstrate the healthiest, wisest and most responsible behavior, which is to abstain from sexual activity outside of a "mutually faithful monogamous heterosexual relationship within the context of marriage." Promoting high risk sexual behaviors and the notion that condoms and contraceptives will protect our adolescents and teens from unplanned pregnancies, HIV and other STDs, as well as the other harms that come with premarital sexual behavior simply sells our kids short.

**ACTION: Please OPPOSE House Bill 88 and Senate Bill 221, because these bills will put our children at risk.**

<sup>1</sup> N.C.G.S. §115C-81(e1)(6).

<sup>2</sup> *Bach, Rebecca, The State of Sex Education in North Carolina: Is Abstinence-Only Education Working?*, Sociation Today, Volume 4, Number 1, 2006.

<sup>3</sup> N.C.G.S. §115C-81(e1)(4)(a).

<sup>4</sup> House Bill 88, Version 1, page 2, line 18.

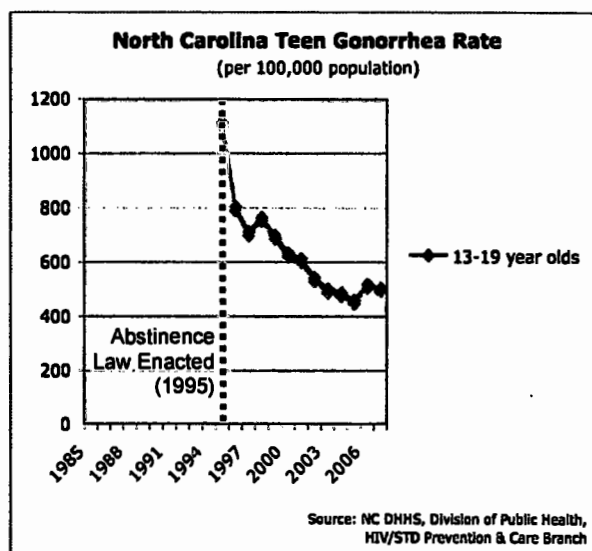
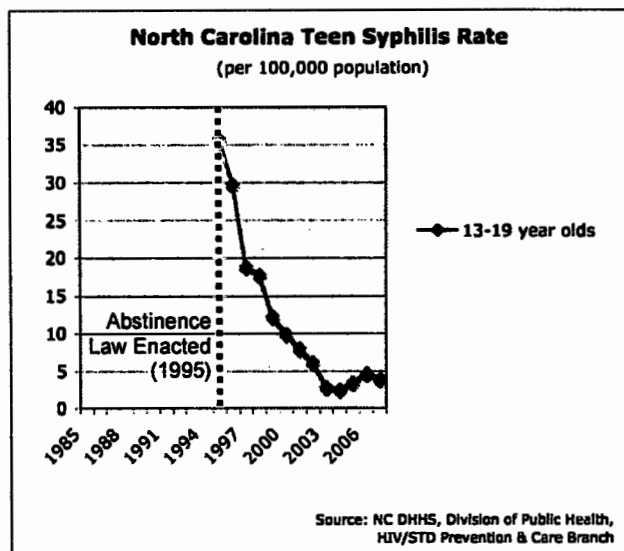
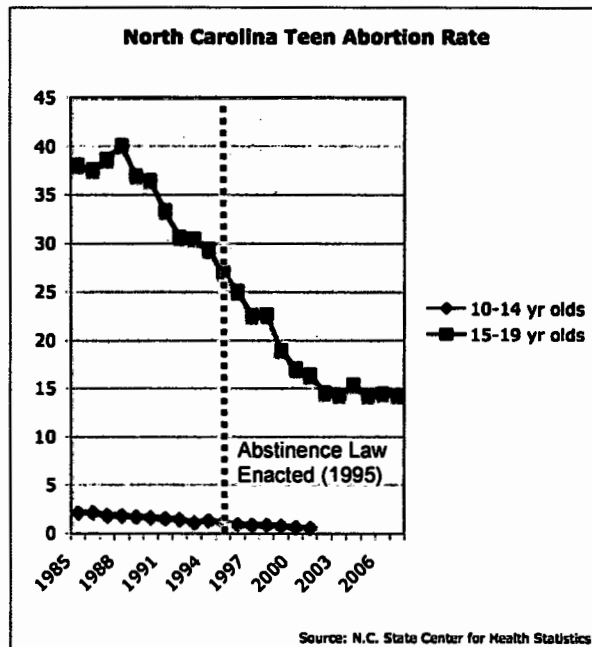
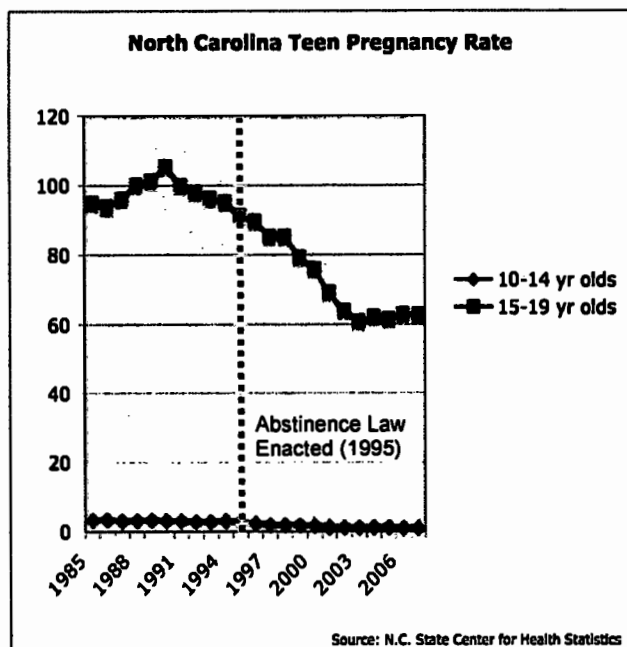
<sup>5</sup> *Birth Control Guide*, U.S. Food and Drug Administration, <http://www.fda.gov/Fdac/features/1997/babytabl.html>

<sup>6</sup> N.C.G.S. §115C-81(e1)(3).

<sup>7</sup> Shannan Martin, Robert Rector, and Melissa G. Pardue, *Comprehensive Sex Education vs. Authentic Abstinence: A Study of Competing Curricula*, The Heritage Foundation, 2004.



**Abstinence Until Marriage Education Works:** Since the North Carolina General Assembly enacted the state's abstinence until marriage education law in 1995, the teen pregnancy rate, teen abortion rate, and the infection rate among teens for syphilis and gonorrhea have all declined dramatically.



It is important to note that the infection rate for Chlamydia increased between 2001 and 2006 for all age groups including teens, and—according to the HIV/STD Prevention and Care Branch—is believed to be a result of increased and improved testing and screening for Chlamydia. HIV infection among teens has increased slightly during the last 3 years, with the number of reported infections among teens aged 13-19 reached 100 cases for the first time in 2007. Thirty-six percent of new HIV cases in North Carolina in 2007 occurred among men who have sex with men (MSM).

For more information, contact John Rustin or Brittany Farrell at the North Carolina Family Policy Council  
Phone: (919) 807-0800; Fax (919) 807-0900

Current Abstinence Until Marriage Education Law	HB 88 & SB 221 would make the following changes:	Analysis of HB 88 & SB 221 proposed changes
Teaches that a <b>mutually faithful monogamous heterosexual relationship in the context of marriage</b> is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS.	Teaches respect for marriage and <b>committed relationships</b> . ( <i>emphasis added</i> )	<b>NOTE: "committed relationships"</b> include not only unmarried heterosexual relationships but also homosexual, bisexual and multi-partner relationships that will be presented on a footing equal to marriage.
Teaches that abstinence from <b>sexual activity</b> is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional problems.	Teaches that abstinence from <b>sexual intercourse</b> is the only certain way to prevent unintended pregnancy, reduce the risk of sexual transmission of diseases, including HIV/AIDS, and provide information about the value of abstinence;	<b>NOTE: HB 88 &amp; SB 221 discuss abstinence from "sexual intercourse" instead of abstinence from "sexual activity" as is in the current law. As a result, students will be led to believe that they can engage in non-intercourse sexual activities and be "safe" from HIV/AIDS and STDs.</b>
Teaches the positive benefits of abstinence until marriage and the risks of premarital sexual activity	Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases;  Teaches about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.	<b>NOTE: Instruction on ALL FDA approved methods of preventing pregnancy and "reducing the risk" of contracting sexually transmitted diseases would place a tremendous burden on our public schools, as they would be required to provide instruction on ALL of the following: male condoms, female condoms, emergency contraception, diaphragms, cervical caps, sponges, spermicides, oral contraceptives, skin patches, vaginal contraceptive rings, contraceptive injections, implanted contraceptives, intrauterine devices, and surgical sterilization.</b>
Each local board of education may <b>expand on the subject areas to be included in the program and on the instructional objectives to be met</b> . This expanded program may include a comprehensive sex education program for that local school administrative unit only if all of the following requirements are satisfied:  (these include a public hearing following public notice and making the objectives of the proposed program and instructional material available for review 30 days before and after the public hearing.)	Each local school administrative unit shall (i) submit to all parents or guardians of students in grades seven through nine consent forms explaining the two available tracks, ... and (ii) ask that each parent select a track for his or her child... The consent form shall contain a statement in bold print that <b>if the signed form is not returned to the school, the student will be enrolled in the abstinence-based comprehensive sexuality education program</b> . Schools shall offer both options to all parents of students attending public school grades seven through nine."	<b>NOTE: Shifts the default standard from Abstinence Until Marriage to Comprehensive Sex Education.</b>

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 185** A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA, INC., PROGRAMS AND SERVICES AND TO PLACE NO FEWER THAN ONE HUNDRED GRADUATION COACHES IN EITHER MIDDLE OR HIGH SCHOOLS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

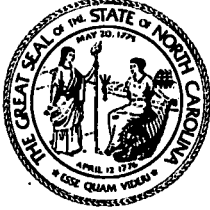
☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.



# HOUSE BILL 185: Communities in Schools Funds

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	March 10, 2009
<b>Introduced by:</b>	Reps. Parmon, Fisher, Tarleton, Bryant	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 185 would appropriate funds to support and expand the programs and services of Communities in Schools of North Carolina, Inc., and to place no fewer than 100 graduation coaches in either middle or high schools.*

## **BILL ANALYSIS:**

**Funding for Graduation Coaches** - House Bill 185 would appropriate \$6,024,091 for the 2009-2010 fiscal year and \$6,024,091 for the 2010-2011 fiscal year in recurring funds to support and expand the programs and services of Communities in Schools of North Carolina, Inc. (CIS). CIS would be directed to use the funds to leverage federal and private grants to support local CIS programs throughout the State and to place no fewer than 100 graduation coaches in either high schools or middle schools.

- **Placement Priority** - Priority in placing the graduation coaches would be given to schools that have a four-year cohort graduation rate of less than 65%.
- **Responsibilities of Graduation Coaches** - Graduation Coaches would be responsible for the following:
  - Identifying and coordinating appropriate academic assistance and support for students at risk of dropping out.
  - Referring at-risk students to other appropriate school personnel (such as counselors, social workers, and nurses) to address problems that might prevent students from graduating.
  - Recruiting mentors and tutors from the community to work with at-risk students and help keep them on track for graduation.
  - Initiating contact with parents of at-risk students, providing regular updates on student academic progress, and encouraging parental involvement in student academic endeavors.
  - Providing information to at-risk students and their parents or guardians about graduation requirements, support services to help students not performing at grade level, advanced and honors courses, opportunities for higher education, and worker training after graduation.
  - Referring students requiring services related to substance abuse, domestic violence, family planning, or mental health to appropriate providers for medically accurate information and appropriate services.
- **Reporting** - CIS would be required to report in the activities of graduation coaches to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee annually, beginning October 15, 2010.

**EFFECTIVE DATE:** House Bill 185 would become effective July 1, 2009.

**BACKGROUND:** House Bill 185 is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation. Communities in Schools of North Carolina, Inc. is an independent non-profit corporation with the mission of championing the connection of needed community resources with schools and other sites to help young people successfully learn, stay in school, and prepare for life. CIS currently operates 39 programs affecting 50 local school administrative units.

H185-SMTC-10(e1) v2

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 185\*

Short Title: Communities in Schools Funds.

(Public)

Sponsors: Representatives Parmon, Fisher, Tarleton, Bryant (Primary Sponsors); K. Alexander, M. Alexander, Barnhart, Bell, Bordsen, Carney, Coates, Cotham, Dickson, Dockham, England, Faison, E. Floyd, Goforth, Goodwin, Harrison, Hill, Hughes, Hurley, Insko, Lucas, Luebke, Mackey, McLawhorn, Pierce, Rapp, Wainwright, Weiss, Wiley, Womble, and Wray.

Referred to: Education, if favorable, Appropriations.

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA, INC., PROGRAMS AND SERVICES AND TO PLACE NO FEWER THAN ONE HUNDRED GRADUATION COACHES IN EITHER MIDDLE OR HIGH SCHOOLS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Department of Public Instruction the sum of six million twenty-four thousand ninety-one dollars (\$6,024,091) for the 2009-2010 fiscal year and the sum of six million twenty-four thousand ninety-one dollars (\$6,024,091) for the 2010-2011 fiscal year in recurring funds to support and expand the programs and services of Communities in Schools of North Carolina, Inc., a public and private partnership that addresses the multiple needs of students at the greatest risk of dropping out of schools. Communities in Schools of North Carolina, Inc., shall use the funds to leverage federal and private grants to support local Communities in Schools programs throughout the State and to place no fewer than 100 graduation coaches in either middle or high schools. When placing graduation coaches, Communities in Schools of North Carolina, Inc., shall give priority to schools that have a four-year cohort graduation rate of less than sixty-five percent (65%).

The graduation coaches shall:

- (1) Identify and coordinate appropriate academic assistance and support for students at risk of dropping out of school;
- (2) Refer at-risk students to other school personnel such as counselors, social workers, and nurses who can address problems that might prevent a student from graduating;
- (3) Recruit mentors and tutors from the local community to work with at-risk students to help keep them on track to graduate;
- (4) Initiate contact with parents and guardians of at-risk students, provide regular updates of the student's academic progress, and encourage parental involvement in student academic endeavors;
- (5) Provide information to at-risk students and their parents or guardians about graduation requirements, support services to help students not performing at



1 grade level, advanced and honors courses, opportunities for higher  
2 education, and worker training after graduation; and

- 3 (6) Refer students requiring services relating to substance abuse, domestic  
4 violence, family planning, or mental health to appropriate providers where  
5 medically accurate information will be provided and appropriate services are  
6 available.

7 **SECTION 2.** Communities in Schools of North Carolina, Inc., shall report on the  
8 activities of the graduation coaches to the Joint Legislative Commission on Dropout Prevention  
9 and High School Graduation and the Joint Legislative Education Oversight Committee by  
10 October 15, 2010; and annually thereafter.

11 **SECTION 3.** This act becomes effective July 1, 2009.

House Pages

Name Of Committee: Education Date: 3-10-09

1. Name: Rani Patel

County: Wake

Sponsor: Hackney

2. Name: Caroline Smith

County: Wake

Sponsor: Hackney

3. Name: Jessica Shelton

County: Durham

Sponsor: Hall

4. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Sgt-At-Arms

1. Name: John Brandon

2. Name: Judy Turner

3. Name: Trey Raley

4. Name: Martha Parrish

Marvin Lee

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, March 17, 2009**

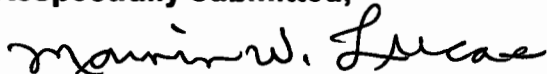
**Representative Lucas called the meeting to order, welcomed everyone and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets). He welcomed Representative Dockham back to Education and apologized for being overlooked.**

**Representative Parmon was called on to explain HB 188 – Study Raising Compulsory Attendance Age. Representative Parmon has an amendment and moves to amend the bill on page 1, line 30 by deleting the following: “April 15, 2009,” and inserting the following: “December 31, 2009,”..... Representative Carney moves to adopt the amendment. The amendment passes. There were questions and comments by several of the representatives. Representative Ross made motion for a favorable report to the bill as amended, rolled into a committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill and that it be referred to the Committee on Rules, Calendar and Operation of the House. The committee concurs and the motion passes.**

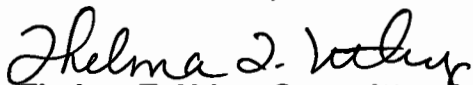
**Representative Glazier was called on to explain PCS for HB 42 – Science Safety in the Public Schools. PCS is adopted. There were many comments and questions by several members and Mr. Ben Matthews, DPI. Representative Stam has an amendment and moves to amend the bill on page 2, line 25 by deleting “invest any money in” and substituting “begin construction of”. The amendment passes. There were more comments and questions by representatives. Representative Dickson moves for a favorable report to the PCS as amended, rolled into a committee substitute and an unfavorable report to the original bill and the committee substitute be referred to House Appropriations Committee. The committee concurs and the motion passes.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, March 17, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 42	Science Safety in the Public Schools.	Representative Glazier Representative Rapp Representative Tarleton Representative Cotham
HB 188	Study Raising Compulsory Attendance Age	Representative Parmon Representative Tarleton Representative Current Representative Bryant
HB 209	Sex Offender Registry/Liberties w/Student	Representative Goforth Representative R. Warren Representative Glazier Representative Insko

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3 o'clock on **March 12, 2009**.

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-17-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Christy Lane	DDA
Tom <del>AST</del> LARRY	Ret PARMA
SMITH	SENTENCING COMM.
John Madler	" "
Jeffery Walston	DA-YA10
Renald Shoves	Treg Blackwood
Sarah Preston	ACLU-NC
Brian Lewis	NC Assoc. of Educators
Soren Schmidt	Action for Children
Maeetha Anub	NCCIU
Pate G. Yancey	APPC NC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-17-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Brittany Farrell	NCFPC
<del>Steve Taylor</del>	NCDFI
Ben Matthews	"
Andrew Tucker	UNC ASG
Lee Godley III	UNC ASG
Ehrick Solengco	UNC ASG
Debra DeGault	IOG
Leanne Wmice	NCSBA
Chris Minard	State Bd of Ed
Michael Hutson	MWC
Renee Motley	

# VISITOR REGISTRATION SHEET

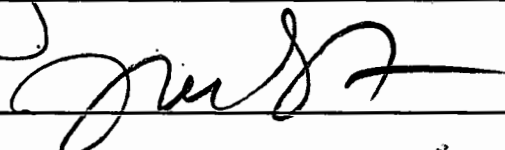
COMMITTEE ON EDUCATION

03-17-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Joanne Stevens	Stevens + Assoc.
	NC Amber
Eric Holm	UNC-ASG
Timothy L. Simpson	UNC-ASG
Will Matthews	UNC-ASG
Paul Puller	NCAJ
Baker A. Mitchell	Charter Day School <sup>Deland,</sup> NC
Rob Thompson	Covenant
K.A. Bl	NC Zoo Society
Ashley Timmreck	UNC-ASG
Hannah Simpson	UNC-ASG

# VISITOR REGISTRATION SHEET


COMMITTEE ON EDUCATION

03-17-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

Jim Stegall	U.C.P.S.
Khay Thuan	NCPPAA
Gene Causby	NCSC4
Shen Horner	WCPSS
Pamela Schore	NCSA
Cond Brockelt	NCSBA
Patrick Buffkin	NMRS
JOHN GOODMAN	NC CHAMBER
John Mann	
MDA	NCCAB

## VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**03-17-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Terry Stoops

John Locke Fancher

Becki Gray

John Locke, Founder

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**March 17, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

**The following bills will be considered:**

**HB 42      Science Safety in the Public  
              Schools.**

**Representative Glazier  
Representative Rapp  
Representative Tarleton  
Representative Cotham**

**HB 188     Study Raising Compulsory  
              Attendance Age**

**Representative Parmon  
Representative Tarleton  
Representative Current  
Representative Bryant**

**HB 209     Sex Offender Registry/Liberties  
              w/Student**

**Representative Goforth  
Representative R. Warren  
Representative Glazier  
Representative Insko**

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 42** A BILL TO BE ENTITLED AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 42  
PROPOSED COMMITTEE SUBSTITUTE H42-PCS50249-RJ-9

Short Title: Science Safety in the Public Schools.

(Public)

Sponsors:

Referred to:

February 4, 2009

A BILL TO BE ENTITLED  
AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.  
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-81.4. Science safety requirements.**

(a) Prior to July 1, 2010, and annually thereafter, each local board of education shall certify to the State Board of Education that its high school and middle school science laboratories are equipped with appropriate personal protective equipment for students and teachers.

(b) Each local board of education shall ensure that its high schools and middle schools comply with all State Board of Education policies related to science laboratory safety."

SECTION 2. G.S. 115C-296(b) reads as rewritten:

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs. The certification program shall provide for initial certification after completion of preservice training, continuing certification after three years of teaching experience, and certificate renewal every five years thereafter, until the retirement of the teacher. The last certificate renewal received prior to retirement shall remain in effect for five years after retirement.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall evaluate and modify, as necessary, the academic requirements for students preparing to teach science in middle and high schools to ensure that there is adequate preparation in issues related to science laboratory safety.



1 The State Board of Education, in consultation with the Board of Governors of The  
2 University of North Carolina, shall evaluate and develop enhanced requirements for continuing  
3 certification. The new requirements shall reflect more rigorous standards for continuing  
4 certification and to the extent possible shall be aligned with quality professional development  
5 programs that reflect State priorities for improving student achievement.

6 The State Board of Education, in consultation with local boards of education and the Board  
7 of Governors of The University of North Carolina, shall reevaluate and enhance the  
8 requirements for renewal of teacher certificates. The State Board shall consider modifications  
9 in the certificate renewal achievement and to make it a mechanism for teachers to renew  
10 continually their knowledge and professional skills. The State Board shall adopt new standards  
11 for the renewal of teacher certificates by May 15, 1998.

12 The standards for approval of institutions of teacher education shall require that teacher  
13 education programs for all students include demonstrated competencies in (i) the identification  
14 and education of children with disabilities and (ii) positive management of student behavior  
15 and effective communication techniques for defusing and deescalating disruptive or dangerous  
16 behavior. The State Board of Education shall incorporate the criteria developed in accordance  
17 with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program  
18 into its school administrator program approval standards.

19 All North Carolina institutions of higher education that offer teacher education programs,  
20 masters degree programs in education, or masters degree programs in school administration  
21 shall provide performance reports to the State Board of Education. The performance reports  
22 shall follow a common format, shall be submitted according to a plan developed by the State  
23 Board, and shall include the information required under the plan developed by the State Board."

24 **SECTION 3.** G.S. 115C-521 is amended by adding a new subsection to read:

25 "(c1) No local board of education shall begin construction of any new middle or high  
26 school building until the plans for the science areas of the building have been reviewed and  
27 approved to meet accepted safety standards for school laboratories, preparation rooms, and  
28 stockrooms. The review and approval of the plans may be done by the State Board of  
29 Education or by any other entity that is licensed or authorized by the State Board to do so."

30 **SECTION 4.** This act is effective when it becomes law.



# HOUSE BILL 42: Science Safety in the Public Schools

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	March 16, 2009
<b>Introduced by:</b>	Reps. Glazier, Rapp, Tarleton, Cotham	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	PCS to First Edition		Legislative Analyst
	H42-CSRJ-9		

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**SUMMARY:** *House Bill 42 makes several changes in high school and middle school science safety including (1) changing local board of education responsibilities for meeting science safety requirements, (2) directing the State Board of Education to ensure that prospective middle and high school teachers receive adequate preparation in science laboratory safety in their teacher education programs and (3) prohibiting a local board of education from investing any funds in a new middle or high school building until the plans for the science areas have been reviewed and approved.*

*The Proposed Committee Substitute adds a requirement that all local boards of education shall certify that their middle school science labs have appropriate personal protective equipment for both teachers and students. The PCS also changes that the plans for the science areas in any new middle or high school have to be approved and not certified before the local board of education can invest funds. The plans have to meet accepted safety standards and not accepted professional standards.*

**BILL ANALYSIS:** Before July 1, 2010 and annually thereafter, each local board of education is required to certify to the State Board of Education that its middle school and high school science labs are equipped with the appropriate personal protective equipment for students and teachers. Each local board is also required to ensure that its middle schools and high schools comply with all State Board of Education policies related to science safety.

In consultation with local boards of education and the UNC Board of Governors, the State Board of Education shall evaluate and amend, as necessary, the academic requirements for students preparing to become middle and high school science teachers to ensure adequate preparation in science laboratory safety.

Local boards of education are prohibited from investing any money in new middle or high school buildings until the plans for the science areas have been reviewed and approved to meet accepted safety standards for school labs, preparation rooms, and stockrooms. The State Board of Education may do the review and approval or license or authorize other entities to do the review and approval.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**CURRENT LAW:** G.S. 115C-521(c) prohibits a local board of education from investing "any money in any new building until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, and (iii) reviewed those plans based upon a consideration of the comments it receives from the State Board."

The School Planning Section of the Division of School Support, Department of Public Instruction, currently provides a reference document, "School Science Facilities Planner" for designers of public school facilities.

In 2005, the State Board of Education adopted Policy HSP-F-017 Science Laboratory Safety. According to the policy, each LEA must develop and implement a Chemical Hygiene Plan (CHP). The CHP must be available to the employees for review. The CHP will be reviewed on an annual basis and updated as needed by a committee appointed by the superintendent. A copy of the updated CHP for each LEA must be submitted to the State Board by January 31 of each school year. The Department of Public Instruction (DPI) will monitor the submission and implementation of the LEA plans. DPI will serve as clearinghouse for dissemination of information necessary to conduct the annual updates. Providers of Science Laboratory Safety professional development must apply for endorsement from DPI and the policy sets out minimum criteria for endorsement.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 42**

**Short Title:** Science Safety in the Public Schools.

**(Public)**

**Sponsors:** Representatives Glazier, Rapp, Tarleton, Cotham (Primary Sponsors);  
M. Alexander, Dockham, Faison, Fisher, E. Floyd, Harrison, Hughes,  
Insko, Lucas, and Mackey.

**Referred to:** Rules, Calendar, and Operations of the House.

February 4, 2009

A BILL TO BE ENTITLED  
AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-81.4. Science safety requirements.**

**(a)** Prior to July 1, 2010, and annually thereafter, each local board of education shall certify to the State Board of Education that its high school science laboratories are equipped with appropriate personal protective equipment for students and teachers.

**(b)** Each local board of education shall ensure that its high schools and middle schools comply with all State Board of Education policies related to science laboratory safety, including the requirement that an appropriate administrative person be designated as the science safety officer."

**SECTION 2.** G.S. 115C-296(b) reads as rewritten:

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs. The certification program shall provide for initial certification after completion of preservice training, continuing certification after three years of teaching experience, and certificate renewal every five years thereafter, until the retirement of the teacher. The last certificate renewal received prior to retirement shall remain in effect for five years after retirement.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall evaluate and modify, as necessary, the



\* H 4 2 - V - 1 \*

1 academic requirements for students preparing to teach science in middle and high schools to  
2 ensure that there is adequate preparation in issues related to science laboratory safety.

3 The State Board of Education, in consultation with the Board of Governors of The  
4 University of North Carolina, shall evaluate and develop enhanced requirements for continuing  
5 certification. The new requirements shall reflect more rigorous standards for continuing  
6 certification and to the extent possible shall be aligned with quality professional development  
7 programs that reflect State priorities for improving student achievement.

8 The State Board of Education, in consultation with local boards of education and the Board  
9 of Governors of The University of North Carolina, shall reevaluate and enhance the  
10 requirements for renewal of teacher certificates. The State Board shall consider modifications  
11 in the certificate renewal achievement and to make it a mechanism for teachers to renew  
12 continually their knowledge and professional skills. The State Board shall adopt new standards  
13 for the renewal of teacher certificates by May 15, 1998.

14 The standards for approval of institutions of teacher education shall require that teacher  
15 education programs for all students include demonstrated competencies in (i) the identification  
16 and education of children with disabilities and (ii) positive management of student behavior  
17 and effective communication techniques for defusing and deescalating disruptive or dangerous  
18 behavior. The State Board of Education shall incorporate the criteria developed in accordance  
19 with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program  
20 into its school administrator program approval standards.

21 All North Carolina institutions of higher education that offer teacher education programs,  
22 masters degree programs in education, or masters degree programs in school administration  
23 shall provide performance reports to the State Board of Education. The performance reports  
24 shall follow a common format, shall be submitted according to a plan developed by the State  
25 Board, and shall include the information required under the plan developed by the State Board."

26 **SECTION 3.** G.S. 115C-521 is amended by adding a new subsection to read:

27 "(c1) No local board of education shall invest any money in any new middle or high  
28 school building until the plans for the science areas of the building have been reviewed and  
29 certified to meet accepted professional standards for school laboratories, preparation rooms,  
30 and stockrooms. The review and certification of the plans may be done by the State Board of  
31 Education or by any other entity that is licensed or authorized by the State Board to do so."

32 **SECTION 4.** This act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 188** A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 188\*  
PROPOSED COMMITTEE SUBSTITUTE H188-PCS50250-RQ-3**

Short Title: Study Raising Compulsory Attendance Age.

(Public)

Sponsors:

Referred to:

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Board of Governors of The University of North Carolina, in coordination with the Department of Public Instruction and the North Carolina Independent Colleges and Universities, shall direct the appropriate entity to study the impacts of raising the compulsory public school attendance age prior to completion of a high school diploma from 16 to 17 or 18. In its study, the Board of Governors shall consider all of the following:

- (1) What impacts, including fiscal impacts, has raising the compulsory school attendance age had in states which have raised the compulsory school attendance age in the last 15 years.
- (2) What conclusions can be drawn as to the impact the compulsory school attendance age has made in the dropout and high school completion rates for states who require compulsory school attendance to ages 16, 17, and 18, respectively.
- (3) What best practices for working with at-risk populations of students who remain in school have been employed in states that have raised the compulsory attendance age in the last 15 years.
- (4) What would be the fiscal impact in raising the compulsory school attendance age from 16 to 17 and 16 to 18, respectively, for each local administrative school unit in North Carolina.

**SECTION 2.** No later than December 31, 2009, the Board of Governors of The University of North Carolina shall submit a report of its study to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee, including its findings and recommendations.

**SECTION 3.** This act is effective when it becomes law.



\* H 188 - PCS 50250 - CS R Q - 3 \*



**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**House Bill 188\***

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H188-ARQ-2 [v.1]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2009

Representative Parmon

- 1 moves to amend the bill on page 1, line 30 by deleting the following:
- 2 "April 15, 2009," and inserting the following:
- 3 "December 31, 2009,".
- 4
- 5

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



\* H 1 8 8 - A R Q - 2 - V - 1 \*



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 188\***

**Short Title:** Study Raising Compulsory Attendance Age. (Public)

**Sponsors:** Representatives Parmon, Tarleton, Current, Bryant (Primary Sponsors); Adams, K. Alexander, Blue, Bordsen, Dickson, Dollar, Faison, E. Floyd, Glazier, Harrison, Hughes, Insko, Luebke, Pierce, Ross, Samuelson, Wainwright, and Womble.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

February 18, 2009

**A BILL TO BE ENTITLED**  
**AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The Board of Governors of The University of North Carolina, in coordination with the Department of Public Instruction and the North Carolina Independent Colleges and Universities, shall direct the appropriate entity to study the impacts of raising the compulsory public school attendance age prior to completion of a high school diploma from 16 to 17 or 18. In its study, the Board of Governors shall consider all of the following:

- (1) What impacts, including fiscal impacts, has raising the compulsory school attendance age had in states which have raised the compulsory school attendance age in the last 15 years.
- (2) What conclusions can be drawn as to the impact the compulsory school attendance age has made in the dropout and high school completion rates for states who require compulsory school attendance to ages 16, 17, and 18, respectively.
- (3) What best practices for working with at-risk populations of students who remain in school have been employed in states that have raised the compulsory attendance age in the last 15 years.
- (4) What would be the fiscal impact in raising the compulsory school attendance age from 16 to 17 and 16 to 18, respectively, for each local administrative school unit in North Carolina.

**SECTION 2.** No later than April 15, 2009, the Board of Governors of The University of North Carolina shall submit a report of its study to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee, including its findings and recommendations.

**SECTION 3.** This act is effective when it becomes law.



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## HOUSE BILL 188: Study Raising Compulsory Attendance Age

2009-2010 General Assembly

<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	March 10, 2009
<b>Introduced by:</b>	Reps. Parmon, Tarleton, Current, Bryant	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 188 would direct the Board of Governors of The University of North Carolina to direct the appropriate entity to study the impacts of raising the compulsory school attendance age to age 17 or age 18.*

**CURRENT LAW:** G.S. 115C-378 requires compulsory school attendance in North Carolina for all children between the ages of 7 and 16.

**BILL ANALYSIS:** House Bill 188 would direct the Board of Governors of The University of North Carolina, in coordination with the Department of Public Instruction and the North Carolina Independent Colleges and Universities, to direct the appropriate entity to study the impact of raising the compulsory school attendance age in North Carolina from age 16 to age 17 or 18. The study must consider the following:

- The impacts (including fiscal) that raising the compulsory school attendance age that have resulted in other states that have raised their compulsory school attendance age in the last 15 years.
- The conclusions that can be drawn as to the impacts the compulsory school attendance age have made in the dropout and high school completion rates for states who require compulsory school attendance to ages 16, 17, and 18 respectively.
- The best practices for working with at-risk populations of students who remain in school that have been used by states that have raised their compulsory school attendance age in the last 15 years.
- The fiscal impact in raising the compulsory school attendance age from 16 to 17 and 16 to 18 respectively, for each local school administrative unit in North Carolina.

The Board of Governors of The University of North Carolina would be required to submit a report of its study, including its findings and recommendations, to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee by April 15, 2009.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** House Bill 188 is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation.

H188-SMRQ-9(e1) v4

# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**March 17, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Madison Ayers</b>	<b>Mecklenburg</b>	<b>Killian</b>
<b>Mariah Governor</b>	<b>Columbus</b>	<b>Hill</b>
<b>Mary Webb</b>	<b>McDowell</b>	<b>Gillespie</b>
<b>Kristin Allison</b>	<b>McDowell</b>	<b>Gillespie</b>
<b>Kayla McCargo</b>	<b>Dare</b>	<b>Spear</b>

## **SGT-AT-ARMS**

**Earl Coker**

**Martha Parrish**

**Trey Riley**

**Judy Turner**

**Charles Williams**

## **Welcome Back**

**Representative Dockham**

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
March 24, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, March 24, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon, and Womble; **Members:** Alexander, Avila, Blackwell, Blackwood, Bordsen, Brown, Bryant, Carney, Cleveland, Dollar, England, B. Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Insko, Jackson, Jeffus, Johnson, McCormick, McElraft, McLawhorn, Michaux, Mills, Rapp, Rhyne, Ross, Stam, Stewart, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements were made to the pages and all those instrumental in the success of the education committee.

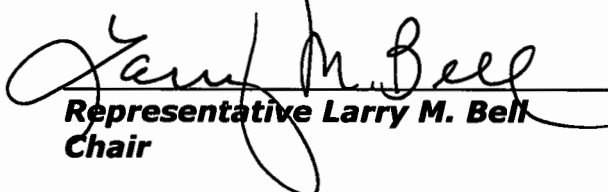
The agenda was presented and the following bills were before the committee: Representative Lucas moved to adopt the PCS. The motion passed and Representative Goforth along with staff attorney Kara McCraw explained **HB 209 - A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES.**

After much debate on the bill and which motion to entertain, **Representative Ross** motioned HB 209 be without prejudice to the committee substitute bill, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary III. The motion passed.

**Chairman Bell** adjourned the meeting at 11:45 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, March 24, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 209	Sex Offender Registry/Liberties w/Student	Representative Goforth Representative R. Warren Representative Glazier Representative Insko
HB 223	No High School Graduation Proj. Required	Representative Love Representative Bryant

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12 o'clock on **March 19, 2009**.

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-24-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Rob Schofield	NC Policy Watch
Michael Hutson	MWC
Jeff Mixon	Covitas
Brittany Farrell	NCFFC
Chris Minard	State Bd of Ed
Sim Stegall	U.C.P.S
Karen Gark	ABRIS
Sarah Preston	ACLU-NC
Leanne Winn	WCSBA
Emily Doyle	NCPAPA
Ann Jones	Public Sch. Forum

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-24-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: <i>(Please Print)</i>	FIRM OR AGENCY AND ADDRESS
<i>Jim Ayers</i>	<i>Ed Consultant</i>
Pamela Schore	NCA SA
Meredith Henderson	NCCIU
Lloyd Throver	NEPAPA
<i>McGurrel</i>	<i>NCCU</i>
<i>Edlyn Hawthorne</i>	<i>CISNE; PENC</i>
<i>Jam Bawley</i>	<i>LAB</i>
<i>Katherine Joyce</i>	<i>NCA SA</i>
Susan Harrison	Wake Public Schools
Chris Fitzsimon	NC Public Health
<i>Cecil J. Banks</i>	<i>NCAE</i>
<i>Roz Smith</i>	<i>NCCU</i>

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-24-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Rebecca Garland	NC DPI
Rida Anydu	Davidson Co. Schools
Carolene McCullen	SAS
Dorothy White Cannon	NC Dist. 4 Supporting HB 223 - Rep. Bryant
Patricia J. Peck	NC Dist 4 - Supporting HB 223 - Rep. Bryant
Sue Liverman	Certified Diabetes Educator - 252-532-1404
Conor Brackett	NCSBA
Joel Maynard	CMS
DAVE BERTAM	NBC 17
Ki Grabo	NBC 17
Jordan Schrader	Asheville C-T
ELISSA BROWN	NC DPI



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

03-24-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Angela Dunsen

NCJC DC

Ann Maddock

Governor's Ofc.

Phyl

NCJTB

Cassandra White

AOC

Pat Harris

DENR/DSWC

Vernon Cox

DENR/DSWC

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**March 24, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

**The following bills will be considered:**

**HB 209    Sex Offender Registry/Liberties  
             w/Student**

**Representative Goforth  
Representative R. Warren  
Representative Glazier  
Representative Insko**

**HB 223    No High School Graduation  
             Proj. Required**

**Representative Love  
Representative Bryant**

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 209** A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES.

☒ Without prejudice as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 209**

**Short Title:** Sex Offender Registry/Liberties w/ Student. (Public)

**Sponsors:** Representatives Goforth, R. Warren, Glazier, Insko (Primary Sponsors);  
M. Alexander, England, Faison, E. Floyd, Hurley, Justus, Lucas, McElraft,  
McLawhorn, Moore, Rapp, Setzer, Spear, Tarleton, and Wray.

**Referred to:** Education, if favorable, Judiciary III.

February 18, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A  
STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION  
UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION  
PROGRAM AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX  
OFFENDER ISSUES.**

The General Assembly of North Carolina enacts:

**SECTION 1. G.S. 14-208.6(5) reads as rewritten:**

"(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), ~~or~~ G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act), G.S. 14-202.4 (Taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses."

**SECTION 2.** This act becomes effective December 1, 2009, and applies to all persons convicted of a violation of G.S. 14-202.4 on or after that date.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 209  
PROPOSED COMMITTEE SUBSTITUTE H209-PCS70228-TC-7**

Short Title: Sex Offender Registry/Liberties w/Student.

(Public)

Sponsors:

Referred to:

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-208.6(5) reads as rewritten:

"(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex offense with a child; adult offender), G.S. 14-27.5 (second degree sexual offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is 13-, 14-, or 15-years-old where the defendant is at least six years older), G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude), G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or permitting minor to assist in offenses against public morality and decency), G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first degree sexual exploitation of a minor), G.S. 14-190.17 (second degree sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor), G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1 (taking indecent liberties with children), ~~or~~ G.S. 14-202.3 (Solicitation of child by computer to commit an unlawful sex act), G.S. 14-202.4 (taking indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker commit or permit act of prostitution with or by a juvenile), or G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by parent or guardian). The term also includes the following: a solicitation or conspiracy to commit any of these offenses; aiding and abetting any of these offenses."



1           **SECTION 2.** This act becomes effective December 1, 2009, and applies to all  
2 persons convicted of a violation of G.S. 14-202.4 on or after that date, and to all persons  
3 released from a penal institution on or after that date.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 209  
PROPOSED COMMITTEE SUBSTITUTE H209-CSTC-7 [v.1]**

3/16/2009 11:38:39 AM

Short Title: Sex Offender Registry/Liberties w/ Student.

(Public)

Sponsors:

Referred to:

February 18, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A  
3 STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION  
4 UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION  
5 PROGRAM AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX  
6 OFFENDER ISSUES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 14-208.6(5) reads as rewritten:

9 "(5) "Sexually violent offense" means a violation of G.S. 14-27.2 (first degree  
10 rape), G.S. 14-27.2A (rape of a child; adult offender), G.S. 14-27.3 (second  
11 degree rape), G.S. 14-27.4 (first degree sexual offense), G.S. 14-27.4A (sex  
12 offense with a child; adult offender), G.S. 14-27.5 (second degree sexual  
13 offense), G.S. 14-27.5A (sexual battery), G.S. 14-27.6 (attempted rape or  
14 sexual offense), G.S. 14-27.7 (intercourse and sexual offense with certain  
15 victims), G.S. 14-27.7A(a) (statutory rape or sexual offense of person who is  
16 13-, 14-, or 15-years-old where the defendant is at least six years older),  
17 G.S. 14-43.13 (subjecting or maintaining a person for sexual servitude),  
18 G.S. 14-178 (incest between near relatives), G.S. 14-190.6 (employing or  
19 permitting minor to assist in offenses against public morality and decency),  
20 G.S. 14-190.9(a1) (felonious indecent exposure), G.S. 14-190.16 (first  
21 degree sexual exploitation of a minor), G.S. 14-190.17 (second degree  
22 sexual exploitation of a minor), G.S. 14-190.17A (third degree sexual  
23 exploitation of a minor), G.S. 14-190.18 (promoting prostitution of a minor),  
24 G.S. 14-190.19 (participating in the prostitution of a minor), G.S. 14-202.1  
25 (taking indecent liberties with children), or G.S. 14-202.3 (Solicitation of  
26 child by computer to commit an unlawful sex act), G.S. 14-202.4 (Taking  
27 indecent liberties with a student), G.S. 14-318.4(a1) (parent or caretaker  
28 commit or permit act of prostitution with or by a juvenile), or  
29 G.S. 14-318.4(a2) (commission or allowing of sexual act upon a juvenile by  
30 parent or guardian). The term also includes the following: a solicitation or  
31 conspiracy to commit any of these offenses; aiding and abetting any of these  
32 offenses."

1           **SECTION 2.** This act becomes effective December 1, 2009, and applies to all  
2 persons convicted of a violation of G.S. 14-202.4 on or after that date, and to all persons  
3 released from a penal institution on or after that date.





## HOUSE BILL 209: Sex Offender Registry/Liberties w/ Student

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary III	<b>Date:</b>	March 17, 2009
<b>Introduced by:</b>	Reps. Goforth, R. Warren, Glazier, Insko	<b>Prepared by:</b>	Kara McCraw and
<b>Analysis of:</b>	PCS to First Edition H209-CSTC-7		Drupti Chauhan, Committee Counsels

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**SUMMARY:** *House Bill 209 would add the offense of taking indecent liberties with a student to the list of sex offenses that require registration under the Sex Offender and Public Protection Registration Program, as recommended by the House Select Committee on Sex Offender Issues.*

*The PCS would amend the application of the law in Section 2 of the bill to also apply to persons released from a penal institution on or after December 1, 2009.*

**CURRENT LAW:** Article 27A of Chapter 14 provides programs for Sex Offender and Public Protection Registration. The stated purposes of the registration program are recognition by the General Assembly that sex offenders often pose a high risk of engaging in sex offenses even after being released from incarceration or commitment and the paramount governmental interest in protection of the public from sex offenders.

**Sexually Violent Offense:** G.S. 14-208.6(5) defines a sexually violence offense as a violation of one of a list of 23 crimes, including various degrees of rape, various degrees of sexual offense, sexual servitude, certain offenses against public morality and decency, including assistance of a minor in offenses against public morality and decency, felonious indecent exposure, incest, various degrees of sexual exploitation of a minor, crimes related to prostitution of minors, indecent liberties with children, solicitation of a child by computer to commit an unlawful sex act, and certain offenses related to sexual acts and prostitution committed by parents or guardians. The term also includes solicitation or conspiracy to commit any of the offenses, and aiding and abetting any of the offenses.

**Sex Offender and Public Protection Registration:** G.S. 14-208.6A requires individuals convicted of sexually violent offenses to register for 30 years with the Sex Offender and Public Protection Program.

- The sexually violent offender must register with the sheriff of the county where the person resides, provide required information, and update information regarding any changes to registration information.
- Registrants are not permitted to reside within 1,000 feet of a public or nonpublic school or child care center.
- Registrants are not permitted to work at any place where a minor is present and the registrant's duties would include instruction, supervision, or care of a minor.
- Registrants convicted of a Article 7A offense or a offense where the victim is under 16 are not permitted on the premises of places intended primarily for the use, care or supervision of minors, within 300 feet of a location intended primarily for the use, care, or supervision of minors located on a premises used for other purposes (such as shopping centers), or any place where minors gather for regularly scheduled educational, recreational, or social programs.

**Sex Offender Monitoring:** Individuals convicted of a sexually violent offense who satisfy certain additional criteria may be ordered by the court to enroll in a satellite-based monitoring program.

**G.S. 14-202.4 (Taking indecent liberties with a student)** provides for two crimes:

**Class I Felony:** Certain defendants who takes advantage of a student by taking indecent liberties are guilty of a Class I felony. Defendant must be one of the following: teacher, school administrator, student teacher, school safety officer, or coach at any age, or any other school personnel who is at least 4 years older than the victim. The offense must occur while the defendant and student are present together in the same school but before the victim ceases to be a student.

# House Bill 209

Page 2

**Class A1 misdemeanor:** A defendant who takes an indecent liberty with a student who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim is guilty of a Class A1 misdemeanor.

The text of G.S. 14-202.4 is set out in full below.

**BILL ANALYSIS:** House Bill 209 would add G.S. 14-202.4, taking indecent liberties with a student, to the list of crimes defined as sexually violent offenses in G.S. 14-208.6(5). Inclusion of the offense in this list would require individuals convicted under G.S. 14-202.4 to register under the Sex Offender and Public Registration Program.

**EFFECTIVE DATE:** This bill would become effective December 1, 2009, and would apply to all persons convicted of a violation of G.S. 14-202.4 on or after that date, and to all persons released from a penal institution on or after that date.

**BACKGROUND:** House Bill 209 is a recommendation of the House Select Committee on Sex Offender Issues.

*H209-SMTC-14(CSTC-7) v1*

## **§ 14-202.4. Taking indecent liberties with a student.**

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel and is at least four years older than the victim, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student, the defendant is guilty of a Class I felony, unless the conduct is covered under some other provision of law providing for greater punishment. A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

(b) If a defendant, who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than four years older than the victim, takes indecent liberties with a student as provided in subsection (a) of this section, the defendant is guilty of a Class A1 misdemeanor.

(c) Consent is not a defense to a charge under this section.

(d) For purposes of this section, the following definitions apply:

(1) "Indecent liberties" means:

- a. Willfully taking or attempting to take any immoral, improper, or indecent liberties with a student for the purpose of arousing or gratifying sexual desire; or
- b. Willfully committing or attempting to commit any lewd or lascivious act upon or with the body or any part or member of the body of a student.

For purposes of this section, the term indecent liberties does not include vaginal intercourse or a sexual act as defined by G.S. 14-27.1.

- (1a) "Same school" means a school at which (i) the student is enrolled or is present for a school-sponsored or school-related activity and (ii) the school personnel is employed, volunteers, or is present for a school-sponsored or school-related activity.
- (2) "School" means any public school, charter school, or nonpublic school under Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes.
- (3) "School personnel" means any person included in the definition contained in G.S. 115C-332(a)(2), and any person who volunteers at a school or a school-sponsored activity.
- (3a) "School safety officer" means any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools and includes a school resource officer.
- (4) "Student" means a person enrolled in kindergarten, or in grade one through grade 12 in any school.

# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**March 24, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Emily Scot-Cruz</b>	<b>Henderson</b>	<b>Rep. Justus</b>
<b>Destiny Bullock</b>	<b>Pitt</b>	<b>Rep. E. Warren</b>

## **SGT-AT-ARMS**

**John Brandon**

**Marvin Lee**

**Martha Parrish**

**Trey Riley**

**Judy Turner**

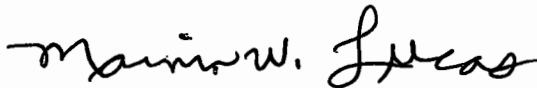
**HOUSE EDUCATION COMMITTEE  
643 Legislative Office Building  
Representative Marvin W. Lucas, Presiding  
Immediately After Session  
11:50 A.M.  
Tuesday, March 31, 2009**

**Representative Lucas declared a quorum and called the meeting to order, thanked everyone for coming and members being prompt welcomed everyone and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

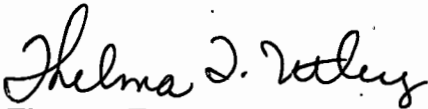
**HB 546 Task Force on Sports Injuries in Schools - Representative Bell moved to accept Proposed Committee Substitute. Representative Cotham explained the PCS. There were questions and comments by Representatives Fisher, Blackwell, Rapp and Glazier. Representative Fisher moved for a favorable report to the PCS, unfavorable to the original bill and the committee substitute bill be re-referred to Committee on Rules, Calendar and Operations of the House. The Committee concurred and the committee substitute bill passes.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, March 31, 2009

**TIME:** Immediately after Session

**LOCATION:** 643 LOB

**COMMENTS:** Time Change

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 223	No High School Graduation Proj. Required.	Representative Love, Sr. Representative Bryant
HB 385	Public School Bus Use/Stecoah Valley Ctr. Prg.	Representative West
HB 386	LEA Sales Tax Refund.	Representative Yongue Representative Johnson Representative Jeffus Representative Tolson
HB 536	Task Force on Sports Injuries in Schools.	Representative Cotham Representative Glazier Representative England, M.D. Representative Blue

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
3 o'clock on **March 26, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Donna Kvale	Pender County Schools Preschool (Headstart, me4, Title I,)
BRIAN LEWIS	NC AE
Alison Kiser	Planned Parenthood
Paige Johnson	Planned Parenthood
Andy Sobel	NCDCR
Amy McLemore	NCDCR
Alicia Davis	MWC
Reida Snyder	Davidson Co. Schools
Caroline McCullen	SAS
Ron Monson	NCAA+PERD
Amy Schilder	MWC

## VISITOR REGISTRATION SHEET

EDUCATION

03/31/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Chris Minard	State Bd of Ed
Brittany Farrell	NCFPC
Michele Bare	NC Head Start Association
David White	NC Head Start Assoc.
Conor Brackett	NCSBA
Shirley Mayes	GMS
Donna Kasper	WCPSS
Katherine Joyce	NCAASA

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, March 31, 2009**  
**Room 643 LOB**  
**Immediately After Session**

**Representative Marvin W. Lucas**  
**Presiding Chair**

Call to Order

Welcome/Introductions

Bills to be considered:

HB 223 No High School Graduation Project – Reps. Love  
and Bryant

HB 536 Task Force on Sports Injuries in Schools –  
Reps. Cotham, Glazier, England, Blue

HB 386 LEA Sales Tax Refund – Reps. Yongue, Johnson,  
Jeffus, Tolson

Adjournment



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 536** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE  
TASK FORCE ON SPORTS INJURIES.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 536  
PROPOSED COMMITTEE SUBSTITUTE H536-CSRQ-6 [v.2]

3/30/2009 11:09:21 AM

Short Title: Task Force on Sports Injuries in Schools.

(Public)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON SPORTS INJURIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is created the Legislative Task Force on Sports Injuries.

**SECTION 2.** The Task Force shall consist of 14 members as follows:

(1) Seven members appointed by the Speaker of the House of Representatives as follows:

- a. Three members of the House of Representatives;
- b. One member of the State Board of Education or a designee of the State Board of Education;
- c. One doctor with expertise in the area of sports medicine;
- d. One school administrator; and
- e. One high school coach.

(2) Seven members appointed by the President Pro Tempore of the Senate as follows:

- a. Three members of the Senate;
- b. One representative of the North Carolina High School Athletic Association;
- c. One athletic trainer;
- d. One high school athletic director; and
- e. One middle school coach.

**SECTION 3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

**SECTION 4.** The Task Force shall study issues relating to sports injuries for all sports at the middle school and high school levels, focusing on the prevention and treatment of injuries.

**SECTION 5.** Members of the Task Force shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at any time



\* H 5 3 6 - C S R Q - 6 - V - 2 \*

1 upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the  
2 Legislative Office Building.

3 With approval of the Legislative Services Commission, the Legislative Services  
4 Officer shall assign professional staff to assist the Task Force in its work. The House of  
5 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
6 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
7 Force. The Task Force may contract for professional, clerical, or consultant services as  
8 provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a  
9 State employee or a person currently under contract with the State to provide services.

10 All State departments and agencies and local governments and their subdivisions  
11 shall furnish the Task Force with any information in their possession or available to them.

12 **SECTION 6.** The Task Force shall submit a final report of the results of its study  
13 and its recommendations to the 2010 Regular Session of the 2009 General Assembly. The  
14 Task Force shall terminate on May 1, 2010, or upon the filing of its final report, whichever  
15 occurs first.

16 **SECTION 7.** This act becomes effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 536**

**Short Title:** Task Force on Sports Injuries in Schools.

**(Public)**

**Sponsors:** Representatives Cotham, Glazier, England, Blue (Primary Sponsors); M. Alexander, Boles, Brown, Bryant, Carney, Current, Faison, Fisher, E. Floyd, Harrison, Holliman, Howard, Insko, Jackson, Jones, Lucas, Mackey, McLawhorn, Pierce, Stewart, Tarleton, Tillis, Tolson, Wainwright, E. Warren, Whilden, and Yongue.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

March 12, 2009

**A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON SPORTS INJURIES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is created the Legislative Task Force on Sports Injuries.

**SECTION 2.** The Task Force shall consist of:

(1) Seven members appointed by the Speaker of the House of Representatives as follows:

- a. Three members of the House of Representatives;
- b. One educator;
- c. One doctor with expertise in the area of sports medicine;
- d. One school administrator; and
- e. One high school coach.

(2) Seven members appointed by the President Pro Tempore of the Senate as follows:

- a. Three members of the Senate;
- b. One representative of the North Carolina High School Athletic Association;
- c. One athletic trainer;
- d. One high school athletic director; and
- e. One middle school coach.

**SECTION 3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment.

**SECTION 4.** The Commission shall study issues relating to sports injuries for all sports at the middle school and high school levels, focusing on the prevention and treatment of injuries.

**SECTION 5.** The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at any time upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Task Force in its work. The House of



1 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
2 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
3 Force. The Task Force may contract for professional, clerical, or consultant services as  
4 provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a  
5 State employee or a person currently under contract with the State to provide services.

6 All State departments and agencies and local governments and their subdivisions  
7 shall furnish the Task Force with any information in their possession or available to them.

8 The Legislative Services Commission, through the Legislative Services Officer,  
9 shall assign professional staff to assist the Task Force in its work. The House of  
10 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
11 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
12 Force.

13 **SECTION 6.** The Task Force shall report the results of its study and its  
14 recommendations to the 2010 Regular Session of the 2009 General Assembly.

15 **SECTION 7.** This act becomes effective July 1, 2009.



## HOUSE BILL 536: Task Force on Sports Injuries in Schools

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	March 31, 2009
<b>Introduced by:</b>	Reps. Cotham, Glazier, England, Blue	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition H536-CSRQ-6[v.2]		Committee Counsel

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**SUMMARY:** *House Bill 536 would create a Legislative Task Force on Sports Injuries.*

*The Proposed Committee Substitute makes technical changes and would:*

- *Add that a quorum of the Task Force would be a majority of its members*
- *Add that members of the Task Force would receive a per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6*
- *Substitute a member of the State Board of Education or its designee as a member of the Task Force rather than an educator as a member appointed by the Speaker of the House of Representatives*
- *Provide for a termination date for the Task Force*

**BILL ANALYSIS:** The PCS for House Bill 536 creates the Legislative Task Force on Sports Injuries (Task Force). The Task Force would consist of 14 members with 7 members appointed by the Speaker of the House of Representatives and 7 members appointed by the President Pro Tempore of the Senate. The members of the Task Force would include legislators, a member of the State Board of Education or its designee, a physician, a representative of the North Carolina High School Athletic Association, and school personnel including coaches and athletic trainers.

The Task Force would study issues related to sports injuries for all sports at the middle school and high school levels and focus on the prevention and treatment of injuries.

The Task Force must report the results of its study and any recommendations to the 2010 Regular Session of the 2009 General Assembly. The Task Force would terminate on May 1, 2010 or upon the filing of its final report, whichever occurs first.

The bill is serially referred to the Committee on Rules, Calendar, and Operations of the House.

**EFFECTIVE DATE:** The bill would become effective July 1, 2009.

H536-SMRQ-20(CSRQ-6) v3

House Pages

Name Of Committee: Education Date: 3-31-09

1. Name: Eva Yaffe  
County: Mecklenburg  
Sponsor: Kilian
2. Name: Justin Michael  
County: Wake  
Sponsor: Ross
3. Name: Typhaine Lefranc  
County: Hecklenburg  
Sponsor: Ric Killian
4. Name: Colby Gabel  
County: Alamance  
Sponsor: Bordson
5. Name: \_\_\_\_\_  
County: \_\_\_\_\_  
Sponsor: \_\_\_\_\_

Sgt-At-Arms

1. Name: Judy Turner
2. Name: Martha Parrish
3. Name: Marvin Lee
4. Name: Trey Raley

John Brandon

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
April 2, 2009

The House Committee on Education met at 11:00 a.m. on Thursday, April 2, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Bordsen, Bryant, Carney, Cleveland, Dollar, B. Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hilton, Holloway, Hurley, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Michaux, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Stiller, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements were made to the pages and all those instrumental in successfulness of the education committee.

The agenda was presented and the following bills were before the committee:

**HB 442 - A BILL TO BE ENTITLED AN ACT TO REQUIRE THE WRITTEN PERMISSION OF A PARENT OR GUARDIAN BEFORE A CHILD RECEIVES CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.**

Representative Alexander explained the bill which generated so much discussion from the committee that the Chair displaced the bill until the next meeting.

**HB 385 - AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION, DOING BUSINESS AS GRAHAM COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.**

**Representative Lucas** moved to adopt the PCS. The motion passed.

**Representative West** explained that the bill would allow the use of the activity buses for transportation for the Stecoah Valley Center for field trips that are usually 2 to 3 times a year. The Graham County Public School is no longer a part



of Stecoah Valley Center which is totally grant funded and because of this the Graham County Board of Education felt it best to get authorization for the use of its buses.

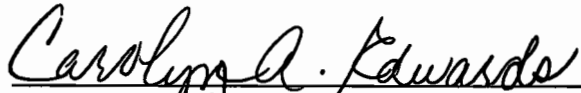
Dr. Gene Causby a representative of the Motor Coach Association reminded the legislators of HB 617 that they wisely enacted in 1997.

The bill generated much debate and discussion.

**Representative Tolson** moved for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II. The bill passed.

**Chairman Bell** adjourned the meeting at 11:50 a. m.

Respectfully submitted,



*Carolyn A. Edwards, Committee Assistant*



**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, April 2, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 442	Parental Involvement in School Discipline.	Representative Alexander Representative Fisher Representative Glazier Representative Parmon
HB 385	Public School Bus Use/Stecoah Valley Ctr. Prg.	Representative West
HB 584	School Funding Flexibility/Pilot Program.	Representative Glazier Representative Rapp Representative Parmon Representative Yongue
HB 160	TAs in Special Ed. Classes/Personal Leave.	Representative Glazier Representative Wiley Representative Rapp Representative Adams
HB 161	Require Six-Year-Olds to Attend School.	Representative Glazier Representative Bryant Representative Parmon Representative Rapp

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 3:45 o'clock on **March 31, 2009**.

X Principal Clerk  
X Reading Clerk – House Chamber  
**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-02-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Alex Miller	CPS
Karen Lane	WBPJS
Chuck Hawkins	nsccr
Annaliese Dolph	DRNC
Melissa Reed	Planned Parenthood
Sarah Preston	ACLU-NC
Condy Miller	NC Cosmetic Network
Tom Bonkin	NC NATIONAL GUARD
Ian Palmquist	ENC
Rhonda Fish	Rep. Tom Mills office
Paige Johnson	Planned Parenthood

# VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**04-02-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: *(Please Print)***

**FIRM OR AGENCY AND ADDRESS**

Michael Hutson	MWC
Ben Mathew	NCDPI
Cindy Williamson	NCDPI
Mary Watson	NCDPI
David Starling	NC DST
David Vanderweide	NC DST
Brittany Farrell	NC FPC
John Herwin	WCPS5
John Maynard	ENS
Gene Causey	NCAHA
Leanne E. Wimmer	WCSBA

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-02-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

DAVID BECK

Self-Help

Morgan Diamond

Self-Help

Bill Rowe

Nic Justice Center

Adriane Casalotti

Student

Paul LeSieur

NCJPI

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**April 2, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

<b>HB 442</b>	<b>Parental Involvement in School Discipline.</b>	<b>Representative Alexander Representative Fisher Representative Glazier Representative Parmon</b>
<b>HB 385</b>	<b>Public School Bus Use/Stecoah Valley Ctr. Prg.</b>	<b>Representative West</b>
<b>HB 584</b>	<b>School Funding Flexibility/Pilot Program.</b>	<b>Representative Glazier Representative Rapp Representative Parmon Representative Yongue</b>
<b>HB 160</b>	<b>TAs in Special Ed. Classes/Personal Leave.</b>	<b>Representative Glazier Representative Wiley Representative Rapp Representative Adams</b>
<b>HB 161</b>	<b>Require Six-Year-Olds to Attend School.</b>	<b>Representative Glazier Representative Bryant Representative Parmon Representative Rapp</b>

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 385** A BILL TO BE ENTITLED AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION, DOING BUSINESS AS GRAHAM COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 385\***

<b>Short Title:</b> Public School Bus Use/Stecoah Valley Ctr. Prg.	<b>(Local)</b>
<hr/>	
<b>Sponsors:</b> Representative West.	
<hr/>	
<b>Referred to:</b> Education, if favorable, Judiciary II.	
<hr/>	

March 4, 2009

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION, DOING  
3 BUSINESS AS GRAHAM COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF  
4 PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS  
5 OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.  
6 The General Assembly of North Carolina enacts:  
7       **SECTION 1.** Notwithstanding G.S. 66-58 or any other provision of law, the  
8 Graham County Board of Education, doing business as Graham County Public Schools, may  
9 enter into a contract, under terms and conditions set by the Graham County Board of  
10 Education, doing business as Graham County Public Schools, to permit public school activity  
11 buses to be used for periodic after-school field trip activities.  
12       State funds shall not be used for the use and operation of buses under this act.  
13       Neither the State of North Carolina nor the Graham County Board of Education,  
14 doing business as Graham County Public Schools, shall incur any liability for any damages  
15 resulting from the use and/or operation of any buses under this act. The State of North Carolina  
16 shall require any entity entering into a contract with the Graham County Board of Education,  
17 doing business as Graham County Public Schools, to carry sufficient liability insurance  
18 covering the use and operation of any buses under this act.  
19       **SECTION 2.** This act is effective when it becomes law.





GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 385\*

PROPOSED COMMITTEE SUBSTITUTE H385-CSSF-7 [v.2]

3/31/2009 9:15:04 AM

Short Title: Pub Sch Activity Bus Use/Stecoah Valley Ctr.

(Local)

Sponsors:

Referred to:

March 4, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION, DOING BUSINESS AS GRAHAM COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 66-58 or any other provision of law, the Graham County Board of Education, doing business as Graham County Public Schools, may enter into a contract, under terms and conditions set by the Graham County Board of Education, doing business as Graham County Public Schools, to permit public school activity buses to be used by the Stecoah Valley Center for periodic after-school field trip activities.

State funds shall not be used for the use and operation of buses under this act.

Neither the State of North Carolina nor the Graham County Board of Education, doing business as Graham County Public Schools, shall incur any liability for any damages resulting from the use and/or operation of any buses under this act. The State of North Carolina shall require any entity entering into a contract with the Graham County Board of Education, doing business as Graham County Public Schools, to carry sufficient liability insurance covering the use and operation of any buses under this act.

**SECTION 2.** This act is effective when it becomes law.



\* H 3 8 5 - C S S F - 7 - V - 2 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 385\*  
PROPOSED COMMITTEE SUBSTITUTE H385-PCS30289-SF-7**

Short Title: Pub Sch Activity Bus Use/Stecoah Valley Ctr.

(Local)

Sponsors:

Referred to:

March 4, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION, DOING BUSINESS AS GRAHAM COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 66-58 or any other provision of law, the Graham County Board of Education, doing business as Graham County Public Schools, may enter into a contract, under terms and conditions set by the Graham County Board of Education, doing business as Graham County Public Schools, to permit public school activity buses to be used by the Stecoah Valley Center for periodic after-school field trip activities.

State funds shall not be used for the use and operation of buses under this act.

Neither the State of North Carolina nor the Graham County Board of Education, doing business as Graham County Public Schools, shall incur any liability for any damages resulting from the use and/or operation of any buses under this act. The State of North Carolina shall require any entity entering into a contract with the Graham County Board of Education, doing business as Graham County Public Schools, to carry sufficient liability insurance covering the use and operation of any buses under this act.

**SECTION 2.** This act is effective when it becomes law.



\* H 3 8 5 - P C S 3 0 2 8 9 - S F - 7 \*



## HOUSE BILL 385: Pub Sch Activity Bus Use/Stecoah Valley Ctr.

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary II	<b>Date:</b>	April 2, 2009
<b>Introduced by:</b>	Rep. West	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to First Edition H385-CSSF-7 [v.2]		Legislative Analyst

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**SUMMARY:** *The Proposed Committee Substitute (PCS) to House Bill 385 would authorize the Graham County Board of Education to permit the use of its activity buses by the Stecoah Valley Center for periodic after school field trips.*

*The PCS adds the word "Activity" to the short title, and the words "by the Stecoah Valley Center" to line 11.*

*This bill has a serial referral to JII.*

[As introduced, this bill was identical to S326, as introduced by Sen. Snow, which is currently in Senate Education/Higher Education.]

**CURRENT LAW:** Under G.S. 66-58, known as the Umstead Act, governmental units are generally prohibited from engaging in the sale of goods and services in competition with citizens of the State, with listed exceptions.

**BILL ANALYSIS:** The PCS to House Bill 385 would authorize the Graham County Board of Education, notwithstanding the provisions of G.S. 66-58, to permit the use of its activity buses by the Stecoah Valley Center for periodic after school field trip activities.

**EFFECTIVE DATE:** The act would become effective when it becomes law.

**BACKGROUND:** Similar exceptions for a specified period of time (the National Forensics League Tournament in Cumberland County, twice for the U.S. Open Golf Tournament in Moore County, Folkmoot, USA, and Mountain Echo: A Homecoming in Haywood County) have been enacted since 1995.

GENERAL ASSEMBLY OF NORTH CAROLINA  
1997 SESSION

S.L. 1997-315  
HOUSE BILL 617

AN ACT TO CLARIFY THAT SCHOOL BUSES AND SCHOOL ACTIVITY BUSES  
MAY NOT COMPETE WITH THE PRIVATE SECTOR.

Whereas, public school buses are purchased with tax revenue, are insured under the State's program of self-insurance, use motor fuel that is exempt from the per gallon motor fuel excise tax, are exempt from local property taxes, and are driven by individuals who are trained at State expense; and

Whereas, public school activity buses enjoy many of these same advantages; and

Whereas, private sector businesses that provide transportation services do not enjoy any of these tax, insurance, and driver training advantages; and

Whereas, because of these differences in private sector transportation businesses and public school transportation services, it would be unfair to allow school buses and school activity buses to compete against private sector businesses in providing transportation services; Now, therefore,

Section 1. G.S. 66-58 reads as rewritten:

**"§ 66-58. Sale of merchandise or services by governmental units.**

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of any such unit, department or agency, or any individual employee or employees of any such unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to provide transportation services, or to contract with any person, firm or corporation for the operation or rendering of any such businesses or services on behalf of any such unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) Counties and municipalities.

- (2) The Department of Human Resources, the Department of Environment, Health, and Natural Resources, or the Department of Agriculture for the sale of serums, vaccines, and other like products.
- (3) The Department of Administration, except that said agency shall not exceed the authority granted in the act creating the agency.
- (4) The State hospitals for the insane.
- (5) The Department of Human Resources.
- (6) The North Carolina School for the Blind at Raleigh.
- (7) The North Carolina Schools for the Deaf.
- (8) The Greater University of North Carolina with regard to its utilities and other services now operated by it nor to the sale of articles produced incident to the operation of instructional departments, articles incident to educational research, articles of merchandise incident to classroom work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25¢) in value when sold to members of the educational staff or staff auxiliary to education or to duly enrolled students or occasionally to immediate members of the families of members of the educational staff or of duly enrolled students nor to the sale of meals or merchandise to persons attending meetings or conventions as invited guests nor to the operation by the University of North Carolina of an inn or hotel and dining and other facilities usually connected with a hotel or inn, nor to the hospital and Medical School of the University of North Carolina, nor to the Coliseum of North Carolina State College, and the other schools and colleges for higher education maintained or supported by the State, nor to the comprehensive student health services or the comprehensive student infirmaries maintained by the constituent institutions of the University of North Carolina.
- (9) The Department of Environment, Health, and Natural Resources, except that said Department shall not construct, maintain, operate or lease a hotel or tourist inn in any park over which it has jurisdiction. The North Carolina Wildlife Resources Commission may sell wildlife memorabilia as a service to members of the public interested in wildlife conservation.
- (10) Child-caring institutions or orphanages receiving State aid.
- (11) Highlands School in Macon County.
- (12) The North Carolina State Fair.
- (13) Rural electric memberships corporations.
- (13a) State Farm Operations Commission.
- (13b) The Department of Agriculture with regard to its lessees at farmers' markets operated by the Department.
- (13c) The Western North Carolina Agricultural Center.
- (14) Nothing herein contained shall be construed to prohibit the engagement in any of the activities described in subsection (a) hereof

by a firm, corporation or person who or which is a lessee of space only of the State of North Carolina or any of its departments or agencies; provided such leases shall be awarded by the Department of Administration to the highest bidder, as provided by law in the case of State contracts and which lease shall be for a term of not less than one year and not more than five years.

- (15) The State Department of Correction is authorized to purchase and install automobile license tag plant equipment for the purpose of manufacturing license tags for the State and local governments and for such other purposes as the Department may direct.

The Commissioner of Motor Vehicles, or such other authority as may exercise the authority to purchase automobile license tags is hereby directed to purchase from, and to contract with, the State Department of Correction for the State automobile license tag requirements from year to year.

The price to be paid to the State Department of Correction for such tags shall be fixed and agreed upon by the Governor, the State Department of Correction, and the Motor Vehicle Commissioner, or such authority as may be authorized to purchase such supplies.

- (16) Laundry services performed by the Department of Correction may be provided only for agencies and instrumentalities of the State which are supported by State funds and for county or municipally controlled and supported hospitals presently being served by the Department of Correction, or for which services have been contracted or applied for in writing, as of May 22, 1973. In addition to the prior sentence, laundry services performed by the Department of Correction may be provided for the Governor Morehead School and the North Carolina School for the Deaf.

Such services shall be limited to wet-washing, drying and ironing of flatwear or flat goods such as towels, sheets and bedding, linens and those uniforms prescribed for wear by such institutions and further limited to only flat goods or apparel owned, distributed or controlled entirely by such institutions and shall not include processing by any dry-cleaning methods; provided, however, those garments and items presently being serviced by wet-washing, drying and ironing may in the future, at the election of the Department of Correction, be processed by a dry-cleaning method.

- (17) The North Carolina Global TransPark Authority or a lessee of the Authority.
- (18) The activities and products of private enterprise carried on or manufactured within a State prison facility pursuant to G.S. 148-70.
- (c) The provisions of subsection (a) shall not prohibit:
- (1) The sale of products of experiment stations or test farms.

- (2) The sale of learned journals, works of art, books or publications of the Department of Cultural Resources or other agencies, or the Supreme Court Reports or Session Laws of the General Assembly.
- (3) The business operation of endowment funds established for the purpose of producing income for educational purposes; for purposes of this section, the phrase 'operation of endowment funds' shall include the operation by public postsecondary educational institutions of campus stores, the profits from which are used exclusively for awarding scholarships to defray the expenses of students attending the institution; provided, that the operation of such stores must be approved by the board of trustees of the institution, and the merchandise sold shall be limited to educational materials and supplies, gift items and miscellaneous personal-use articles. Provided further that sales at campus stores are limited to employees of the institution and members of their immediate families, to duly enrolled students of the campus at which a campus store is located and their immediate families, to duly enrolled students of other campuses of the University of North Carolina other than the campus at which the campus store is located, to other campus stores and to other persons who are on campus other than for the purpose of purchasing merchandise from campus stores. It is the intent of this subdivision that campus stores be established and operated for the purpose of assuring the availability of merchandise described in this Article for sale to persons enumerated herein and not for the purpose of competing with stores operated in the communities surrounding the campuses of the University of North Carolina.
- (4) The operation of lunch counters by the Department of Human Resources as blind enterprises of the type operated on January 1, 1951, in State buildings in the City of Raleigh.
- (5) The operation of a snack bar and cafeteria in the State Legislative Building.
- (6) The maintenance by the prison system authorities of eating and sleeping facilities at units of the State prison system for prisoners and for members of the prison staff while on duty, or the maintenance by the highway system authorities of eating and sleeping facilities for working crews on highway construction or maintenance when actually engaged in such work on parts of the highway system.
- (7) The operation by penal, correctional or facilities operated by the Department of Human Resources or by the State Department of Agriculture, of dining rooms for the inmates or clients or members of the staff while on duty and for the accommodation of persons visiting such inmates or clients, and other bona fide visitors.
- (8) The sale by the Department of Agriculture of livestock, poultry and publications in keeping with its present livestock and farm program.

- (9) The operation by the public schools of school cafeterias.
- (9a) The use of a public school bus or public school activity bus for a purpose allowed under G.S. 115C-242 or the use of a public school activity bus for a purpose authorized by G.S. 115C-247.
- (10) Sale by any State correctional or other institution of farm, dairy, livestock or poultry products raised or produced by it in its normal operations as authorized by the act creating it.
- (11) The sale of textbooks, library books, forms, bulletins, and instructional supplies by the State Board of Education, State Department of Public Instruction, and local school authorities.
- (12) The sale of North Carolina flags by or through the auspices of the Department of Administration, to the citizens of North Carolina.
- (13) The operation by the Department of Correction of forestry management programs on State-owned lands, including the sale on the open market of timber cut as a part of such management program.
- (14) The operation by the Department of Correction of facilities to manufacture and produce traffic and street name signs for use on the public streets and highways of the State.
- (15) The operation by the Department of Correction of facilities to manufacture and produce paint for use on the public streets and highways of the State.
- (16) The performance by the Department of Transportation of dredging services for a unit of local government.
- (17) The sale by the State Board of Elections to political committees and candidate committees of computer software designed by or for the State Board of Elections to provide a uniform system of electronic filing of the campaign finance reports required by Article 22A of Chapter 163 of the General Statutes and to facilitate the State Board's monitoring of compliance with that Article. This computer software for electronic filing of campaign finance reports shall not exceed a cost of one hundred dollars (\$100.00) to any political committee or candidate committee without the State Board of Elections first notifying in writing the Joint Legislative Commission on Governmental Operations.

(d) A department, agency or educational unit named in subsection (b) shall not perform any of the prohibited acts for or on behalf of any other department, agency or educational unit.

(e) Any person, whether employee of the State of North Carolina or not, who shall violate, or participate in the violation of this section, shall be guilty of a Class 1 misdemeanor.

(f) Notwithstanding the provisions of G.S. 66-58(a), the operation by the Department of Correction of facilities for the manufacture of any product or the providing of any service pursuant to G.S. 148-70 not regulated by the provisions of subsection (c) hereof, shall be subject to the prior approval of the Governor, with



biennial review by the General Assembly, at the beginning of each fiscal year commencing after October 1, 1975. The Department of Correction shall file with the Director of the Budget quarterly reports detailing prison enterprise operations in such a format as shall be required by the Director of the Budget.

(g) The North Carolina School of Science and Mathematics may engage in any of the activities permitted by G.S. 66-58(b)(8) and (c)(3)."

Section 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of July, 1997.

s/ Dennis A. Wicker  
President of the Senate

s/ Harold J. Brubaker  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 12:40 p.m. this 21st day of July, 1997

# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**March 24, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Justin Michael</b>	<b>Wake</b>	<b>Rep. Ross</b>
<b>Caitlin Hogan</b>	<b>Wake</b>	<b>Rep. Stam</b>
<b>Colby Gabel</b>	<b>Alamance</b>	<b>Rep. Bordsen</b>
<b>Charnelle McClellan</b>	<b>Robeson</b>	<b>Rep. Pierce</b>

## **SGT-AT-ARMS**

**Martha Gadison**

**Marvin Lee**

**Martha Parrish**

**Trey Riley**

**Judy Turner**

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, April 7, 2009**

**Representative Lucas believes we have a quorum and states “the weather is beautiful. A few weeks ago we suggested that the sky might be green but I will assure you that today it is really, really a beautiful blue. And I understand that there is a rumor floating that there is a lake between Michigan and Canada that is now oozing tar. Rumor further goes that the Michigan Legislature met in special session late last night and that they considered a new state slogan and this slogan was presented by one of our former state representatives, Dale Edwards. And the new slogan is *How bout them heels*”. With that Representative Lucas called the meeting to order, thanked everyone for coming and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

**HB 232 Scholarship Loan for Rural Social Workers – There is a PCS. Representative Womble moves that we consider the PCS. The committee concurs and the PCS is properly before us and has a serial referral to Appropriations. Representative Bell explains the bill. The PCS corrects a missing word which clarifies that work area includes other underserved counties and adds a provision that allows graduates five years in which to fulfill their service obligation. This is a very important bill and establishes a scholarship loan fund for social workers in underserved areas as recommended by the Joint Legislative Education Oversight Committee. There were several questions and comments by members and Mr. Jack Register with the National Association of Social Workers. Representative Womble moves for a favorable report to the PCS, unfavorable to original bill and that the bill is referred to Appropriations. The committee concurs and the motion passes.**

**Representative Lucas recognized Dr. Gail Gaines from the Southern Region in the audience.**

**HB 316 Assignment of Twins to Charter Schools – There is a PCS. Representative Langdon moves that we have the PCS before us. The committee concurs and the PCS is properly before us. Representative Jeffus explains the bill. One change is mentioned in the summary – we added the phrase other multiples rather just twins. The original bill only said for this year or the implication would be effective this year and it should be a recommendation for a permanent law. There comments and questions from several committee members and Mr. Jack Moyer, DPI. Representative Tillis moves a favorable report to the PCS, unfavorable to the original bill and referred to Judiciary III. The committee concurs and the motion passes.**

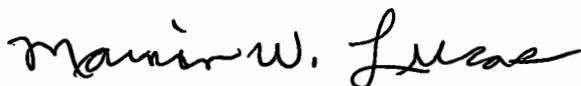
**HB 582 Special Education Changes – There is a PCS. Representative Bell moves that we have the PCS before us and the committee concurs. This bill also has a serial referral to Appropriations. Representative Glazier explains the bill. This is a federal compliance bill – when we re-did and re-wrote our entire state chapter on special education, this was simply a gap that we neglected to fill in and this bill simply requires that we clarify the law that with regard to any child that moves in who is special education eligible and determined that when they move into an area they are not domiciled in provided they meet our attendance requirements and our requirements we otherwise have in about their residence in that district. The school system, the LEA must provide services for educational services for them whether that is in or out of school. Representative Rapp moves for a favorable report to the PCS, unfavorable to the original and forwarded to Appropriations. The committee concurs and the motion passes.**

**Representative Lucas also recognizes his grandson's principal, Mr. Daniel Krumanocker in the audience.**

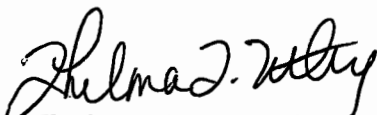
**HB 636 – Staff Development OK on Protected Teacher Workdays – There is a PCS for this bill. Representative Dockham moves that we have the PCS before us and the committee concurs. Representative Haire explains the bill. This bill allows for unanticipated emergencies that might occur allows local boards may use part of the five teacher workdays to do three things: participate in professional development activities or to make up instructional days missed due to inclement weather or for other emergency situations. Comments by Mr. Rodney Ellis, Vice-President of NCAE; Ms. Katherine Joyce, NCASA; Ms. Leanne Winner, School Board Association; Ms. Evelyn Hawthorne, Professional Educators of North Carolina; several committee members with comments and questions. Representative Glazier recommends that the bill be sent to Pre-School, Elementary and Secondary Education.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**

ROOM CHANGE 544 LOB

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, April 7, 2009

**TIME:** 11:00 am

**LOCATION:** 544 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 232	Scholarship Loan for Rural Social Workers.	Representative Bell Representative Glazier Representative Lucas Representative McLawhorn Representative Jeffus
HB 316	Assignment of Twins to Charter Schools.	
HB 582	Special Education Changes.	Representative Glazier Representative Cotham Representative Lucas Representative Wiley
HB 636	Staff Dev: OK on Protected Teacher Workdays.	Representative Haire

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10 o'clock on **April 03, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

# VISITOR REGISTRATION SHEET

EDUCATION

04/07/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Jack Moyer	DPI
Katherine Joyce	NCAAA
Pamela Schore	NCAAA
Danitra O'Brien	Kids Voting DC
Mary A. Watson	DPI
Odell Freeman	Fayetteville State University
Sandra McCormick	Fayetteville State University
Phoebe Chavis Harris	Fayetteville State University
Roxie M. Shabazz	Fayetteville State University
Lakisha Grater-Rice	Fayetteville State University
Dan Krumanocker	FAYETTEVILLE STATE UNIV.

# VISITOR REGISTRATION SHEET

EDUCATION

04/07/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Michael Harpe	Fairleigh State University
Jim Pridden	Fairway Outdoor Adv. Greensboro
Jan Rangel	NCIMS
Brittany Farrell	NCFFC
Emerson Hunkeler	ETAOM
[Signature]	NCCLCR
William Lee	Planned Parenthood
Bob Hare	Democracy NC
Nancy Thompson	Weyerhaeuser
Josh Glasser	Common Cause NC
Sarah Preston	ACLU-NC

## VISITOR REGISTRATION SHEET

EDUCATION

04/07/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Michael Hutson	MWC
Alison Kiser	Planned Parenthood
JACK REGISTER	NATIONAL ASSOC of SOCIAL WORKERS-NC Chapter
Annaliese Dolph	Disability Rights NC
Bill Fawc	NC Justice Center
Carol Vandenberg	Professional Educators of NC
Trishana Jones	NC YAIID
Brinkley Raynor	Shadowing Melanie Goodman
Paige Johnson	Planned Parenthood
Patricia Hollingsworth	FSU
Paula L. Archambault	Fayetteville State University



## 7

04/07/2009

Date \_\_\_\_\_

7

**FIRM OR AGENCY AND ADDRESS**

NCTCD

NCAE

NCAE

Intern, Rep Ross

NCAE

Durham County Health Dept

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**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, April 7, 2009**  
**Room 643 LOB**  
**11:00 A.M.**

**Representative Marvin W. Lucas**  
**Presiding Chair**

Call to Order

Welcome/Introductions

The following bills will be considered:

**HB 232 Scholarship Loan for Rural Social Workers –**  
Reps. Bell, Glazier, Lucas, McLawhorn

**HB 316 Assignment of Twins to Charter Schools -**  
Rep. Jeffus

**HB 582 Special Education Changes – Reps. Glazier,**  
Cotham, Lucas, Willey

**HB 636 Staff Dev. OK on Protected Teacher Workdays –**  
Rep. Haire

Adjournment

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 232** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SCHOLARSHIP  
LOAN FUND FOR SOCIAL WORKERS IN UNDERSERVED AREAS, AS RECOMMENDED  
BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 232\*

Short Title: Scholarship Loan for Rural Social Workers. (Public)

Sponsors: Representatives Bell, Glazier, Lucas, McLawhorn (Primary Sponsors);  
M. Alexander, Blackwood, Bordsen, Faison, Fisher, E. Floyd, Harrison, Insko,  
Pierce, Tarleton, Wainwright, E. Warren, and Wray.

Referred to: Education, if favorable, Appropriations.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE SCHOLARSHIP LOAN FUND FOR SOCIAL WORKERS  
IN UNDERSERVED AREAS, AS RECOMMENDED BY THE JOINT LEGISLATIVE  
EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 23 of Chapter 116 of the General Statutes is amended by  
adding a new section to read:

**"§ 116-209.31. Scholarship Loan Fund for Social Workers in Underserved Areas."**

(a) There is established the Scholarship Loan Fund for Social Workers in Underserved Areas. The purpose of the Fund is to provide scholarship loans to train social workers to deliver mental health, substance abuse, and developmental disabilities services in underserved areas of North Carolina. The State Education Assistance Authority shall administer the Fund and shall award 40 scholarship loans per year, 10 at each of the eligible institutions in subsection (b) of this section.

(b) Students in masters programs of social work at the following institutions are eligible to receive the Scholarship Loan Fund for Social Workers in Underserved Areas:

(1) The University of North Carolina at Chapel Hill.

(2) Appalachian State University.

(3) East Carolina University.

(4) The joint program between the University of North Carolina at Greensboro and the North Carolina Agricultural and Technical State University.

(c) Social Workers in Underserved Areas Fellows shall be offered a curriculum that advances skills in evidence and research-based best practices for mental health, substance abuse, and disabilities service delivery in underserved areas and that instills a strong motivation to provide services in rural and other need-based areas. The coordinator of the academic program, in consultation with the faculty of the eligible programs of social work, current program coordinators of the local management entities in designated federal mental health provider shortage areas, and the State chapter of the National Association of Social Workers, shall develop, review, and revise the curriculum, program goals, progress, and outcomes.

(d) Criteria for awarding the scholarship loans shall be developed by the State Education Assistance Authority in consultation with the Board of Governors of The University of North Carolina and shall include all of the following:

(1) An applicant shall be enrolled in the second year of an accredited masters of social work program at the University of North Carolina at Chapel Hill, Appalachian State University, East Carolina University, or the joint program



1 between the University of North Carolina at Greensboro and the North  
2 Carolina Agricultural and Technical State University.

3 (2) All students shall enter into a legal agreement and promissory note with the  
4 Authority to accept employment in mental health, substance abuse, and  
5 developmental disabilities delivery in exchange for receiving any funds,  
6 which agreement shall include stipulation that the student agrees to accept  
7 employment in rural or other need-based counties.

8 (3) An applicant shall be a resident of North Carolina. For purposes of this  
9 section, residency shall be determined by the same standard as residency for  
10 tuition purposes pursuant to G.S. 116-143.1.

11 (4) Any additional criteria that the State Education Assistance Authority  
12 considers necessary to administer the Fund effectively, including all of the  
13 following:

14 a. Consideration of applicants from diverse backgrounds to receive  
15 scholarships pursuant to this section.

16 b. Consideration of what rural or other need-based areas of the State  
17 shall be considered appropriate underserved areas for work after  
18 graduation.

19 c. Consideration of the academic qualifications of the individuals  
20 applying to receive funds.

21 d. Consideration of the commitment an individual applying to receive  
22 funds demonstrates to the profession of social work.

23 (e) The State Education Assistance Authority shall: (i) prepare a clear written  
24 explanation of the Scholarship Loan Fund for Social Workers in Underserved Areas and the  
25 information regarding the availability and criteria for awarding the scholarships, and (ii)  
26 provide that information to the appropriate counselors and shall charge those counselors to  
27 inform students about the scholarships and to encourage them to apply for the scholarships.

28 (f) The State Education Assistance Authority shall administer the Fund and shall ensure  
29 that the loan amount is limited to eleven thousand dollars (\$11,000) per recipient.

30 (g) The Authority shall ensure that the following loan cancellations and repayment  
31 schedules apply to all funds distributed pursuant to this section:

32 (1) The individual who graduates with a masters degree and who works as a  
33 social worker providing mental health, substance abuse, and developmental  
34 disabilities services in an underserved area of North Carolina for two years  
35 shall have the entire loan cancelled.

36 (2) The individual who graduates with a masters degree and who does not work  
37 as a social worker providing mental health, substance abuse, and  
38 developmental disabilities services in an underserved area for any or all of  
39 the two years of required service shall repay the loan to the Authority  
40 according to a schedule prescribed in the promissory note, plus ten percent  
41 (10%) annual interest.

42 (3) The individual who does not graduate with a masters degree shall repay the  
43 loan according to a schedule prescribed by the Authority, not to exceed  
44 fifteen percent (15%) annual interest. In establishing a schedule and interest  
45 rate, the Authority shall take into consideration the reasons the individual did  
46 not graduate with a masters degree.

47 The Authority shall ensure that all repayments, including accrued interest, shall be placed in  
48 the Fund.

49 The Authority may forgive or reduce any loan repayment if the Authority considers that  
50 extenuating circumstances exist that would make repayment impossible.

1        (h) The State Education Assistance Authority, in consultation with the Board of  
2 Governors of The University of North Carolina, shall adopt rules to implement this section.

3        (i) The State Education Assistance Authority shall report to the Joint Legislative  
4 Education Oversight Committee by March 1 of each year regarding the Fund and scholarship  
5 loans awarded from the Fund."

6        **SECTION 2.** There is appropriated from the General Fund to the Board of  
7 Governors of The University of North Carolina the sum of two hundred sixty thousand dollars  
8 (\$260,000) for the 2009-2010 fiscal year and the sum of two hundred sixty thousand dollars  
9 (\$260,000) for the 2010-2011 fiscal year for a program coordinator, faculty, support staff, an  
10 intensive training week, a placement event, advisory board meetings, and other costs of the  
11 academic program. There is appropriated from the General Fund to the State Education  
12 Assistance Authority for the 2010-2011 fiscal year the sum of four hundred forty thousand  
13 dollars (\$440,000) for scholarship loans to implement this act.

14        **SECTION 3.** This act becomes effective July 1, 2009.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 316** A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO THE TWIN OF ANY STUDENT ASSIGNED TO A CHARTER SCHOOL.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 316

PROPOSED COMMITTEE SUBSTITUTE H316-PCS50428-RJ-11

Short Title: Assignment of Twins to Charter Schools.

(Public)

Sponsors:

Referred to:

February 26, 2009

A BILL TO BE ENTITLED

AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO THE TWIN OR OTHER MULTIPLES OF ANY STUDENT ASSIGNED TO A CHARTER SCHOOL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.29F(g)(5) reads as rewritten:

"(5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year-year, to the twin or other multiples of a student admitted to the school for the upcoming year, and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school's board of directors, so long as (i) these children are limited to no more than ten percent.(10%) of the school's total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school. Within one year after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 316**

**Short Title:** Assignment of Twins to Charter Schools.

**(Public)**

**Sponsors:** Representatives Jeffus; Harrison, Howard, Hurley, and Lucas.

**Referred to:** Education, if favorable, Judiciary III.

February 26, 2009

**A BILL TO BE ENTITLED**

**AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION  
TO THE TWIN OF ANY STUDENT ASSIGNED TO A CHARTER SCHOOL.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.29F(g)(5) reads as rewritten:

"(5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year-year, to the twin or other multiples of a student admitted to the school for the upcoming year, and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school's board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school's total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school. Within one year after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 582** A BILL TO BE ENTITLED AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF SUSPENSION OR EXPULSION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

H

D

**HOUSE BILL 582**  
**PROPOSED COMMITTEE SUBSTITUTE H582-PCS10806-RQ-11**

Short Title: Special Education Changes.

(Public)

Sponsors:

Referred to:

March 16, 2009

A BILL TO BE ENTITLED  
AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE  
PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO  
A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF  
SUSPENSION OR EXPULSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-366(a3)(2) reads as rewritten:

"(a3) A student who is not a domiciliary of a local school administrative unit may attend, without the payment of tuition, the public schools of that unit if all of the following apply:

(2) The student ~~is~~ is:

- a. ~~not~~ Not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative ~~unit~~ unit, or
- b. Currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit and is identified as eligible for special education and related services under the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004). Assignment under this sub-subdivision is available only if evidence of current eligibility is tendered with the affidavit required under subdivision (3) of this subsection.

...."

**SECTION 2.** G.S. 115C-366(a5) reads as rewritten:

"(a5) Notwithstanding any other law, a local board may deny admission to or place reasonable conditions on the admission of a student who has been suspended from a school under G.S. 115C-391 or who has been suspended from a school for conduct that could have led to a suspension from a school within the local school administrative unit where the student is seeking admission until the period of suspension has expired. Also, a local board may deny admission to or place reasonable conditions on the admission of a student who has been expelled from a school under G.S. 115C-391 or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or employees or who has been convicted of a felony in this or any other state. If the local board denies admission to a student who has been expelled or convicted



1 of a felony, the student may request the local board to reconsider that decision in accordance  
2 with G.S. 115C-391(d). When a student who has been identified as eligible to receive special  
3 education and related services under the Individuals with Disabilities Education Improvement  
4 Act, 20 U.S.C. § 1400, et seq., (2004), is denied admission under this subsection, the local  
5 board shall provide educational services to the student to the same extent it would if the student  
6 were enrolled in the local school administrative unit at the time of the suspension or expulsion,  
7 as required by G.S. 115C-107.1(a)(3)."

8 **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 582

Short Title: Special Education Changes.

(Public)

Sponsors: Representatives Glazier, Cotham, Lucas, Wiley (Primary Sponsors);  
M. Alexander, Bell, Farmer-Butterfield, Fisher, Jones, and Pierce.

Referred to: Education, if favorable, Appropriations.

March 16, 2009

A BILL TO BE ENTITLED

AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE  
PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO  
A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF  
SUSPENSION OR EXPULSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-366(a3)(2) reads as rewritten:

"(a3) A student who is not a domiciliary of a local school administrative unit may attend,  
without the payment of tuition, the public schools of that unit if all of the following apply:

(2) The student ~~is-is:~~

- a. ~~not-Not~~ currently under a term of suspension or expulsion from a  
school for conduct that could have led to a suspension or an  
expulsion from the local school administrative ~~unit-unit, or~~
- b. Currently under a term of suspension or expulsion from a school for  
conduct that could have led to a suspension or an expulsion from the  
local school administrative unit and is identified as eligible for  
special education and related services under the Individuals with  
Disabilities Education Act, 20 U.S.C. Chapter 33. Assignment under  
this sub-subdivision is available only if evidence of current eligibility  
is tendered with the affidavit required under subdivision (3) of this  
subsection.

...."

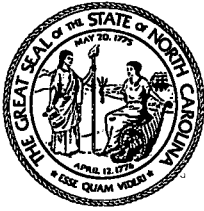
SECTION 2. G.S. 115C-366(a5) reads as rewritten:

"(a5) Notwithstanding any other law, a local board may deny admission to or place  
reasonable conditions on the admission of a student who has been suspended from a school  
under G.S. 115C-391 or who has been suspended from a school for conduct that could have led  
to a suspension from a school within the local school administrative unit where the student is  
seeking admission until the period of suspension has expired. Also, a local board may deny  
admission to or place reasonable conditions on the admission of a student who has been  
expelled from a school under G.S. 115C-391 or who has been expelled from a school for  
behavior that indicated the student's continued presence in school constituted a clear threat to  
the safety of other students or employees or who has been convicted of a felony in this or any  
other state. If the local board denies admission to a student who has been expelled or convicted  
of a felony, the student may request the local board to reconsider that decision in accordance  
with G.S. 115C-391(d). When a student who has been identified as eligible to receive special



1 education and related services under the Individuals with Disabilities Education Act, 20 U.S.C.  
2 Chapter 33, is denied admission under this subsection, the local board shall provide educational  
3 services to the student to the same extent it would if the student were enrolled in the LEA at the  
4 time of the suspension or expulsion, as required by G.S. 115C-107.1(a)(3)."

5 **SECTION 2.** This act is effective when it becomes law.



Session 2007

# FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

## House Bill 582 Special Education Changes

<b>Bill Primary Sponsor(s):</b>	Glazier, Cotham, Lucas, Wiley	H582-CSRQ-111
<b>Relevant Federal Law:</b>	<i>The Individuals with Disabilities Act, 20 U.S.C. §1400, et seq</i>	
<input checked="" type="checkbox"/> Required by or Necessary for Compliance with Federal Law	<input type="checkbox"/> Exceeds Federal Law	
<input type="checkbox"/> Federal Funds Conditioned upon Passage of Law	<input type="checkbox"/> Implements Federal Law	

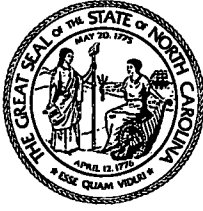
### SUMMARY OF BILL PROVISIONS ALLEGEDLY REQUIRED BY FEDERAL LEGISLATION

The Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (IDEA) (2004), is the federal law governing educational programs for children with disabilities. In order to receive federal funds for these programs, a state must comply with IDEA and its regulations.

IDEA requires a state that receives these federal funds to provide a free appropriate public education to all children with disabilities in the state between the ages of 3 and 21, inclusive, including children who have been suspended or expelled from school. (20 U.S.C. § 1412 and 20 U.S.C. § 1415) This obligation does not apply with respect to children aged three through five and 18 through 21 to the extent its application would be inconsistent with state law or practice (20 U.S.C. § 1412) Eligible children are entitled to special education and related services. (20 U.S.C. § 1412) Article 9 of Chapter 115C of the General Statutes (Article 9) is the principal State law governing these programs.

The Proposed Committee Substitute for House Bill 582 would make the following changes in order to make the State law consistent and compliant with the federal law:

- Clarify that students who are identified as eligible for special education under IDEA who reside in a local school administrative unit (LEA) but are not domiciled in that LEA may attend a public school in the LEA in which they reside while they are under a term of suspension from another school or have been expelled from another school if all of the other requirements for admission under G.S. 115C-366(a3) are met.
- Clarify that if students with disabilities are denied admission because of a suspension or expulsion, the local board of education still must provide the educational services to the students to the same extent it would have provided educational services if the students had been enrolled in that LEA at the time of the suspension or expulsion as required under IDEA.



Session 2007

## FEDERAL REQUIREMENT CERTIFICATION

Authorized by G.S. 120-36.8

### COMPLIANCE CONSIDERATIONS

IDEA requires that states must provide a free and appropriate public education for children with disabilities including children with disabilities who are suspended or expelled from school. 20 U.S.C. § 1400 et. seq. (2004).

### TECHNICAL OR MECHANICAL CONSIDERATIONS

### REVIEW AND APPROVAL

Prepared By: Drupti Chauhan  
Drupti Chauhan  
Staff Attorney

Date: 4-6-09

Approved By: O. Walker Reagan  
O. Walker Reagan  
Director of Research

Date: 4-6-09

Preliminary



House Pages

Name Of Committee: Education Date: 4-7-09

1. Name: Samantha Glade

County: Wake

Sponsor: Stam

2. Name: Brooke Weatherspoon

County: Wake

Sponsor: Blue

3. Name: James Collier

County: Custon

Sponsor: Neumann

4. Name: Olivia McCormick

County: Yodkin

Sponsor: \_\_\_\_\_

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Sgt-At-Arms

1. Name: Marvin Lee

2. Name: Judy Turner

3. Name: Bob Rosai

4. Name: T. L. Long

Martha Perriest  
John Brandon

C

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
April 9, 2009

The House Committee on Education met at 11:00 a.m. on Thursday, April 9, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon, and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Brown, Bryant, Cleveland, Dollar, England, B. Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Insko, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Pages, sergeants at arms along with the education staff were acknowledged.

The agenda was presented and the following bills were before the committee:

**HB 442 – A BILL TO BE ENTITLED AN ACT TO REQUIRE THE WRITTEN PERMISSION OF A PARENT OR GUARDIAN BEFORE A CHILD RECEIVES CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.**

**Representative Womble** moved to adopt the PCS. The motion passed. **Representative Alexander** explained the changes of the bill; an appropriate school official must make an attempt to notify the guardian/parent of the impending corporal punishment, to prohibit the administration of corporal punishment on a student whose parent/guardian has put in writing that corporal punishment may not be administered, and reporting requirements has been modified to the State Board of Education.

**Representative Womble** motioned for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary I. The bill passed.

**HB 584 – A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SCHOOL FUNDING FLEXIBILITY PILOT PROGRAM.**

**Representative Lucas** moved to adopt the PCS; so moved by the committee. **Representative Glazier** explained the essence of the bill which would eliminate the \$150,000 appropriation in 2009-2010 and would instead appropriate \$150,000 for an independent research organization to evaluate the pilot program in 2010-2011. The requirement that the independent research organization assist with the pilot district selection process would be eliminated.

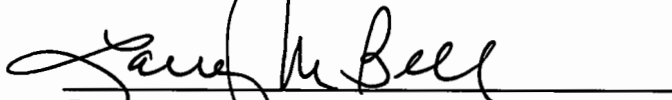
**Representatives Stam** and **Blackwell** put forth amendments that passed before the committee.

**Representative Blackwood** motioned for a favorable report to the committee substitute bill, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. HB 584 passed.

**Chairman Bell** adjourned the meeting at 11:50 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, April 9, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

**BILL NO.    SHORT TITLE**

HB 442      Parental Involvement in School  
                 Discipline.

**SPONSOR**

Representative Alexander  
Representative Fisher  
Representative Glazier  
Representative Parmon

HB 584      School Funding Flexibility/Pilot  
                 Program.

Representative Glazier  
Representative Rapp  
Representative Parmon  
Representative Yongue

HB 161      Require Six-Year-Olds to Attend  
                 School.

Representative Glazier  
Representative Bryant  
Representative Parmon  
Representative Rapp

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:00 o'clock on **April 7, 2009**.

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-09-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Bill Brooks	NCFPC
Jim Stegall	UCPS
Eugene Lawrence	PENC; CSNC
Lisa Martin	NC Home Builders
Mary McDuffee	NCCAT
Chelsea Reynolds	
Melissa Lovell	NCDOJ
Michael Horton	MWC
J. Hays	NC HBA
David Gardner	NC DPI
Robert Howard	MCIC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-09-2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

Cindy Williamson	DPI
Gene Byall	NC Family Policy Council
Katherine W. Pyper	NCASTA
Ann Norris	Public School Forum
Emily Doyle	NCPAPA
John W. Wynn	cmr
Ray Presnell, Jr.	N.C. Retired School Personnel
Sharon Harrison	WCPS
PayTh Maym	as
Carol Brackett	NCSBA
Robt Smith	NCCCA



## VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**04-09-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Chris Minard	State Bd of Ed
KARL RECTANUS	MCNC
Joe Fredoso	MCNC
Jonathan D. Rhyne	Rep. Rick Glazier



# VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**04-09-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Alicia Davis	MWC
Amy Schilder	MWC
Peggy Hines	Planned Parenthood
Sarah Preston	ACLU-NC
Christina Appen	Medical Brief
Ann Maddock	Governor's Ofc.
BRIAN LEWIS	NCAE
Tom VITALONE	Action For (H12) Rep
DONNA WHITLEY	CITIZEN
Mary Hance	EGHS
Leanne Wynn	WCSBA



## VISITOR REGISTRATION SHEET

## COMMITTEE ON EDUCATION

**04-09-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**

Barbar Payne

MWC

Darnell Boyd

Rep. Adams

Brinary Farnell

NCFPC

L. Ryznar

meic

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**April 9, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

**HB 442      Parental Involvement in School Discipline.**

**Representative Alexander  
Representative Fisher  
Representative Glazier  
Representative Parmon**

**HB 584      School Funding Flexibility/Pilot Program.**

**Representative Glazier  
Representative Rapp  
Representative Parmon  
Representative Yongue**

**HB 161      Require Six-Year-Olds to Attend School.**

**Representative Glazier  
Representative Bryant  
Representative Parmon  
Representative Rapp**

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 442** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE WRITTEN PERMISSION OF A PARENT OR GUARDIAN BEFORE A CHILD RECEIVES CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY I.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 442

Short Title: Parental Involvement in School Discipline. (Public)

Sponsors: Representatives M. Alexander, Fisher, Glazier, Parmon (Primary Sponsors);  
Bordson, Bryant, Cotham, Earle, England, Hughes, Insko, Lucas, Mackey,  
Pierce, and Womble.

Referred to: Education, if favorable, Judiciary II.

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE WRITTEN PERMISSION OF A PARENT OR GUARDIAN  
BEFORE A CHILD RECEIVES CORPORAL PUNISHMENT IN THE PUBLIC  
SCHOOLS AND TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO  
REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-391 reads as rewritten:

**"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

(a) Local boards of education shall adopt policies not inconsistent with the provisions  
of the Constitutions of the United States and North Carolina, governing the conduct of students  
and establishing procedures to be followed by school officials in suspending or expelling any  
student, or in disciplining any student if the offensive behavior could result in suspension,  
expulsion, or the administration of corporal punishment. Local boards of education shall  
include a reasonable dress code for students in these policies.

The policies that shall be adopted for the administration of corporal punishment shall  
include at a minimum the following conditions:

(1) Signed permission from the student's parent or guardian shall be on file in  
the school before corporal punishment is administered on a student;

(1a) Corporal punishment shall not be administered in a classroom with other  
children present;

(2) The student body shall be informed beforehand what general types of  
misconduct could result in corporal punishment;

(3) Only a teacher, substitute teacher, principal, or assistant principal may  
administer corporal punishment and may do so only in the presence of a  
principal, assistant principal, teacher, substitute teacher, teacher assistant, or  
student teacher, who shall be informed beforehand and in the student's  
presence of the reason for the punishment; and

(4) An appropriate school official shall provide the child's parent or guardian  
with notification that corporal punishment has been administered, and upon  
request, the official who administered the corporal punishment shall provide  
the child's parent or guardian a written explanation of the reasons and the  
name of the second school official who was present.

Each local board shall publish all the policies mandated by this subsection and make them  
available to each student and his parent or guardian at the beginning of each school year.  
Notwithstanding any policy adopted pursuant to this section, school personnel may use



\* H 4 4 2 - V - 1 \*

1 reasonable force, including corporal punishment, to control behavior or to remove a person  
2 from the scene in those situations when necessary:

- 3 (1) To quell a disturbance threatening injury to others;
- 4 (2) To obtain possession of weapons or other dangerous objects on the person,  
5 or within the control, of a student;
- 6 (3) For self-defense;
- 7 (4) For the protection of persons or property; or
- 8 (5) To maintain order on school property, in the classroom, or at a  
9 school-related activity on or off school property.

10 (a1) Each local board shall report annually to the State Board of Education, in a manner  
11 prescribed by the Board, on the number of times that corporal punishment was administered by  
12 student's grade, age, gender, race, and whether the student was receiving special education  
13 services.

14 ...."

15 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
16 the 2009-2010 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 442  
PROPOSED COMMITTEE SUBSTITUTE H442-CSRQ-9 [v.5]

4/8/2009 3:11:00 PM

Short Title: Parental Involvement in School Discipline.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-391 reads as rewritten:

**"§ 115C-391. Corporal punishment, suspension, or expulsion of pupils.**

(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension, expulsion, or the administration of corporal punishment. Local boards of education shall include a reasonable dress code for students in these policies.

The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

- (1) Corporal punishment shall not be administered in a classroom with other ~~children-students~~ present;
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal punishment;
- (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the punishment; ~~and~~
- (3a) Prior to the administration of corporal punishment, an appropriate school official shall make a reasonable attempt to notify the student's parent or guardian of the impending action; and
- (4) An appropriate school official shall provide the ~~child's-student's~~ parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment

shall provide the ~~child's~~ student's parent or guardian a written explanation of the reasons and the name of the second school official who was present.

Each local board shall publish all the policies mandated by this subsection and make them available to each student and ~~his~~ each student's parent or guardian at the beginning of each school year-year. Corporal punishment shall not be administered on a student whose parent or guardian has stated in writing that corporal punishment shall not be administered on that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

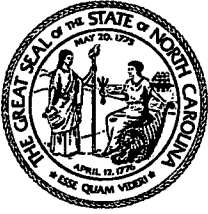
- (1) To quell a disturbance threatening injury to others;
- (2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
- (3) For self-defense;
- (4) For the protection of persons or property; or
- (5) To maintain order on school property, in the classroom, or at a school-related activity on or off school property.

(a1) Each local board of education shall report annually to the State Board of Education, in a manner prescribed by the State Board of Education, on the number of times that corporal punishment was administered. The report shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and shall include the following:

- (1) The number of students who received corporal punishment;
- (2) The number of students who received corporal punishment who were also students with disabilities and were eligible to receive special education and related services under the federal Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400 et. seq.; and
- (3) The race of the students who received corporal punishment.

...."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.



# HOUSE BILL 442: Parental Involvement in School Discipline

2009-2010 General Assembly

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<b>Committee:</b>	House Education	<b>Date:</b>	April 9, 2009
<b>Introduced by:</b>	Reps. M. Alexander, Fisher, Glazier, Parmon	<b>Prepared by:</b>	Drupti Chauhan*
<b>Analysis of:</b>	PCS to First Edition H442-CSRQ-9[v.5]		Committee Counsel

---

**SUMMARY:** *House Bill 442 would require the written permission from a student's parent or guardian before the student receives corporal punishment. Each local board of education would also be required to submit an annual report to the State Board of Education regarding the occurrences of corporal punishment in its local school administrative unit.*

*The Proposed Committee Substitute for House Bill 442 would make the following changes to the bill:*

- *Require that an appropriate school official must make a reasonable attempt to notify the student's parent or guardian of the impending corporal punishment;*
- *Prohibit the administration of corporal punishment on a student whose parent or guardian has put in writing that corporal punishment may not be administered on that student;*
- *Modify the reporting requirements to the State Board of Education; and*
- *Substitute the words "student" or "students" for "child" or "children" for consistency within the statute.*

**CURRENT LAW:** State law does not prohibit corporal punishment in schools. However, G.S. 115C-391(a) requires a local board to adopt a policy governing student discipline. A school board is not required to adopt a discipline policy that allows corporal punishment, but, if a policy is adopted, the statute sets out the following minimum conditions that must be in the policy for the administration of corporal punishment:

- Corporal punishment cannot be administered in a classroom with other students present.
- The student body must know what types of misconduct may result in this punishment. Discipline policies must be published and made available to students and parents at the beginning of each school year.
- Corporal punishment may be administered only by a teacher, substitute teacher, assistant principal, or principal and must be witnessed by one of these individuals, a teacher assistant, or a student teacher. Prior to the administration of the corporal punishment and in the student's presence, the witness must be informed of the reason for the punishment.
- An appropriate school official must notify the parent or guardian that this punishment was administered. If requested by the parent or guardian, the notice must be in writing and must include reasons for the corporal punishment and the name of the witness.

Even in school systems that do not adopt a policy to authorize corporal punishment, the law allows school personnel to use reasonable force, including corporal punishment to control behavior or remove a person from a situation if necessary:

- To stop a disturbance threatening injury to others;
- To obtain dangerous objects or weapons from a student;



# House Bill 442

Page 2

- For self-defense;
- To protect persons or property; or
- To maintain order.

**BILL ANALYSIS:** The Proposed Committee Substitute (PCS) for House Bill 442 would require local boards of education that allow corporal punishment to amend their policies to state that prior to the administration of corporal punishment, an appropriate school official must make a reasonable attempt to notify the student's parent or guardian of the impending action.

The PCS would prohibit the administration of corporal punishment on a student whose parent or guardian has stated in writing that corporal punishment may not be administered on that student. This election would be made by the parent or guardian at the beginning of the school year or when the student first enters the school during the year.

Local boards of education would also be required to annually report to the State Board of Education on the number of occurrences of corporal punishment. The report must be in compliance with the federal Family Educational Rights and Privacy Act to ensure that students are not personally identifiable and must include the following information:

- The number of students who received corporal punishment;
- The number of students who received corporal punishment who were also students with disabilities and eligible to receive special education and related services; and
- The race of the students who received corporal punishment.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and would apply beginning with the 2009-2010 school year.

*H442-SMRQ-29(CSRQ-9) v5*

*\* Shirley Iorio, Ph.D., Committee Analyst, contributed significantly to this summary.*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 584** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SCHOOL FUNDING FLEXIBILITY PILOT PROGRAM.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 584

Short Title: School Funding Flexibility/Pilot Program. (Public)

Sponsors: Representatives Glazier, Rapp, Parmon, Yongue (Primary Sponsors);  
M. Alexander, Bell, Blackwood, Dockham, Farmer-Butterfield, Harrison, Jones,  
Lucas, Pierce, Wainwright, and Womble.

Referred to: Education, if favorable, Appropriations.

March 16, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE SCHOOL FUNDING FLEXIBILITY PILOT PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1. – Pilot Overview.** The State Board of Education shall establish the School Funding Flexibility Pilot Program in 10 local school administrative units.

**SECTION 2.(a) – Selecting Pilot Districts.** The State Board, with the assistance of the Department of Public Instruction, shall identify a pilot pool of twenty local school administrative units that are considered high performing, based on a composite score that takes into account, at a minimum, the following criteria:

- (1) Composite test scores in end-of-grade and end-of-course tests, weighted to take into account demographic factors;
- (2) Schools making average yearly progress, as defined by the No Child Left Behind Act of 2001;
- (3) High school cohort graduation rate;
- (4) Low percentage of local funds spent on noninstructional support positions;
- (5) Minimal audit exceptions; and
- (6) Teacher turnover.

**SECTION 2.(b)** Upon identifying the pilot pool, the State Board shall select 10 local school administrative units to serve as the pilot units; the remainder shall serve as the control units. The State Board shall select local administrative units from the pilot pool in a manner that maximizes the potential for effective evaluations by minimizing differences between pilot units and control units across demographic measures and the criteria listed above.

The State Board shall identify and notify the pilot units and control units no later than December 31, 2009.

**SECTION 3. – Expenditures in Pilot and Control Districts.** Notwithstanding G.S. 115C-105.25 and except as otherwise required by federal law or the conditions of federal grants, pilot units shall be allowed to spend State funds without limitation for any lawful purpose during the 2010-2011 fiscal year and the 2011-2012 fiscal year. Pilot units shall continue to pay employees on the existing salary schedules. At the end of each fiscal year, each pilot unit shall revert a percentage of its General Fund appropriation that is greater than or equal to the average percentage the unit reverted over the prior three fiscal years.

Control units shall continue to spend State funds as provided by law.

**SECTION 4.(a) – Evaluation and Reporting.** There is appropriated from the General Fund to the Department of Public Instruction the sum of one hundred fifty thousand



dollars (\$150,000) for the 2009-2010 fiscal year to contract with an independent research organization to:

- (1) Assist with the pilot district selection process; and
- (2) Evaluate whether and to what extent this pilot program improved student performance in the pilot units, using either a randomized controlled trial or matched-groups evaluation design.

**SECTION 4.(b)** If at the end of the 2011-2012 school year, the State Board finds that there has been an increase in academic performance in a pilot unit due to its participation in the pilot program, that unit may continue to participate in the pilot program during the 2012-2013 and 2013-2014 fiscal years.

**SECTION 5.** The State Board shall report annually to the Joint Legislative Education Oversight Committee by December 15 on the impact of funding flexibility in the pilot units.

**SECTION 6.** This act becomes effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 584  
PROPOSED COMMITTEE SUBSTITUTE H584-CSTC-15 [v.1]**

4/1/2009 7:23:20 PM

Short Title: School Funding Flexibility/Pilot Program.

(Public)

Sponsors:

Referred to:

March 16, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO ESTABLISH THE SCHOOL FUNDING FLEXIBILITY PILOT PROGRAM.**

The General Assembly of North Carolina enacts:

**SECTION 1. – Pilot Overview.** The State Board of Education shall establish the School Funding Flexibility Pilot Program in 10 local school administrative units.

**SECTION 2.(a) – Selecting Pilot Districts.** The State Board, with the assistance of the Department of Public Instruction, shall identify a pilot pool of twenty local school administrative units that are considered high performing, based on a composite score that takes into account, at a minimum, the following criteria:

- (1) Composite test scores in end-of-grade and end-of-course tests, weighted to take into account demographic factors;
- (2) Schools making average yearly progress, as defined by the No Child Left Behind Act of 2001;
- (3) High school cohort graduation rate;
- (4) Low percentage of local funds spent on noninstructional support positions;
- (5) Minimal audit exceptions; and
- (6) Teacher turnover.

**SECTION 2.(b)** Upon identifying the pilot pool, the State Board shall select 10 local school administrative units to serve as the pilot units; the remainder shall serve as the control units. The State Board shall select local administrative units from the pilot pool in a manner that maximizes the potential for effective evaluations by minimizing differences between pilot units and control units across demographic measures and the criteria listed above.

The State Board shall identify and notify the pilot units and control units no later than December 31, 2009.

**SECTION 3. – Expenditures in Pilot and Control Districts.** Notwithstanding G.S. 115C-105.25 and except as otherwise required by federal law or the conditions of federal grants, pilot units shall be allowed to spend State funds without limitation for any lawful purpose during the 2010-2011 fiscal year and the 2011-2012 fiscal year. Pilot units shall continue to pay employees on the existing salary schedules. At the end of each fiscal year, each pilot unit shall revert a percentage of its General Fund appropriation that is greater than or equal to the average percentage the unit reverted over the prior three fiscal years.

Control units shall continue to spend State funds as provided by law.

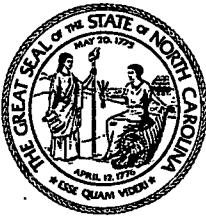
**SECTION 4.(a) – Evaluation and Reporting.** There is appropriated from the General Fund to the Department of Public Instruction the sum of one hundred fifty thousand

1 dollars (\$150,000) for the 2010-2011 fiscal year to contract with an independent research  
2 organization to evaluate whether and to what extent this pilot program improved student  
3 performance in the pilot units, using either a randomized controlled trial or matched-groups  
4 evaluation design.

5 **SECTION 4.(b)** If at the end of the 2011-2012 school year, the State Board finds  
6 that there has been an increase in academic performance in a pilot unit due to its participation  
7 in the pilot program, that unit may continue to participate in the pilot program during the  
8 2012-2013 and 2013-2014 fiscal years.

9 **SECTION 5.** The State Board shall report annually to the Joint Legislative  
10 Education Oversight Committee by December 15 on the impact of funding flexibility in the  
11 pilot units. The State Board shall make a final report by December 15, 2014.

12 **SECTION 6.** This act becomes effective July 1, 2009.



# HOUSE BILL 584: School Funding Flexibility/Pilot Program

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	April 2, 2009
<b>Introduced by:</b>	Reps. Glazier, Rapp, Parmon, Yongue	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H584-CSTC-15		Committee Counsel

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**SUMMARY:** *HB 584 would provide for a pilot program to allow school funding flexibility in 10 LEAs.*

*The PCS would eliminate the \$150,000 appropriation in 2009-2010 and would instead appropriate \$150,000 for an independent research organization to evaluate the pilot program in 2010-2011. The requirement that the independent research organization assist with the pilot district selection process would be eliminated.*

*The PCS would also require a final report on the pilot program be submitted by the State Board by December 15, 2014.*

**CURRENT LAW:** G.S. 115C-105.25 directs local boards of education (local boards) to provide maximum flexibility to schools in use of funds to enable schools to accomplish goals, consistent with improving student performance. The statute provides that local boards of education may approve transfers of funds between funding allotment categories, subject to the following limitations:

- **Teacher Assistants:** In accordance with a school improvement plan, State funds allocated for teacher assistants may be transferred to teacher positions if specific conditions are met.
- **Classroom Materials, Textbooks, and Noninstructional support personnel:** In accordance with a school improvement plan:
  - State funds for classroom materials/instructional supplies/equipment may be transferred only for textbook purchases.
  - State funds for textbooks may be transferred only for classroom materials/instructional supplies/equipment.
  - State funds for noninstructional support personnel may be transferred only for teacher positions.
- **Staff Development:** Up to 3% of State funds for noninstructional support personnel may be transferred for staff development.
- **Central Office:** No funds shall be transferred into the central office allotment category.
- **No Transfer of Funds:** Funds for children with disabilities, students with limited English proficiency, and driver's education shall not be transferred.
- **Classroom Teacher Funds:** Funds for classroom teachers may only be transferred teachers of exceptional children, teachers of at-risk students, and authorized purposes under the textbook allotment and classroom materials/instructional supplies/equipment allotment. Positions for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers.
- **Vocational Education Funds:** Vocational education funds may be transferred only in accordance with any State Board rules to ensure compliance with federal regulations.
- **Academically Gifted Students Funds:** Funds for academically or intellectually gifted students (AIG students) may be used only for AIG students, local plans for services to AIG students, and in accordance with a school improvement plan, for any purpose if the school demonstrates that appropriate services are provided to AIG students in accordance with the local plan.
- **Alternative Schools/At-Risk Student Funds:** Alternative Schools/At-Risk Student Funds shall be spent only for alternative learning programs, at-risk students, and school safety programs.

# House Bill 584

Page 2

**BILL ANALYSIS:** HB 584 would create a pilot program to allow school funding flexibility in 10 local school administrative units (LEAs) as follows:

- **Identification of Pilot Pool:** The State Board of Education (State Board) with assistance from the Department of Public Instruction (DPI) must identify a pilot pool of 20 high-performing LEAs. High performing LEAs will be determined based on a composite score which takes into account, as minimum, the following criteria:
  - Composite test scores in end-of grade and end-of course tests, weighted to take demographic factors into account.
  - Schools making average yearly progress, as defined by No Child Left Behind.
  - High school cohort graduation rate.
  - Low percentage of local funds spent on noninstructional support positions.
  - Minimal audit exceptions.
  - Teacher turnover.
- **Selection from Pilot Pool:** By December 31, 2009, the State Board must select 10 LEAs from the pilot pool as pilot units, with the remaining 10 LEAs serving as control units, in a manner that maximizes effective evaluations by minimizing differences between the two groups.
- **Expenditures in Pilot and Control Districts:**
  - **Pilot Districts:** Notwithstanding G.S. 115C-105.25 and except as otherwise required by federal law or federal grants, pilot units may spend State funds without limitation for any lawful purpose during the 2010-2011 and 2011-2012 fiscal years, except that employees must be paid on the existing salary schedules. At the end of each fiscal year, each pilot unit must revert a percentage of its General Fund appropriation greater than or equal to the average percentage reverted over the past three years.
  - **Control Districts:** Control districts must continue to spend State funds as provided by law.
- **Evaluation:** The PCS would appropriate \$150,000 for 2010-2011 to DPI to contract with an independent research organization evaluate the impact of the pilot program on improved student performance in the pilot units.
- **Continuation of Pilot Program:** If the State Board finds there has been an increase in academic performance due to participation in the pilot at the end of the 2011-2012 school year, a pilot unit may continue to participate in the pilot program during the 2012-2013 and 2013-2014 fiscal years.
- **Reporting:** The State Board shall report annually by December 15 to the Joint Legislative Education Oversight Committee on the impact of funding flexibility in the pilot units. The PCS would require the State Board to submit a final report by December 15, 2014.

**EFFECTIVE DATE:** HB 584 would become effective July 1, 2009.

*H584-SMTC-33(CSTC-15) v1*



# NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. 584

DATE 4/9/09

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

COMMITTEE SUBSTITUTE ☒ H584-CSTC-15

(to be filled in by  
Principal Clerk)

Rep. ) Stam  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 1, line 29

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the word "on" and  
4 substituting the words "no less than"  
5 than salary required by"

6 \_\_\_\_\_  
7 \_\_\_\_\_  
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19 \_\_\_\_\_

SIGNED Stam

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**April 9, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>SAMANTHA SLADE</b>	<b>WAKE</b>	<b>REP. STAM</b>
<b>BROOKE WEATHERSPOON</b>	<b>WAKE</b>	<b>REP. BLUE</b>
<b>CARSON MERENBLOOM</b>	<b>WAKE</b>	<b>REP. MARTIN</b>
<b>OLIVIA MCCORMICK</b>	<b>YADKIN</b>	<b>REP. McCormick</b>

## **SGT-AT-ARMS**

**JOHN BRANDON**

**MARVIN LEE**

**MARTHA PARRISH**

**TREY RILEY**

**JUDY TURNER**

## **LEGISLATIVE ASSISTANTS**

**THELMA UTLEY**

**CAROLYN EDWARDS**

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, April 14, 2009**

**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

**HB 218 – Parent & Student Educational Involvement Act – Representative Bryant was called on to explain the bill. There is a PCS and Representative Womble moves that the PCS is properly before the Committee. Comments made by several members. Representative Parmon moves for a favorable report as to the committee substitute bill 2, which changes the title, unfavorable to committee substitute bill 1. The Committee concurs and the bill passes.**

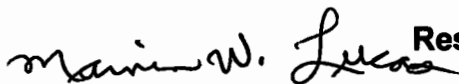
**HB 817 - Establish NC Financial Literacy Council – Representative Tillis was called on to explain the bill. There were questions/comments by a couple of members. Representative Bryant moves for a favorable report and recommendation that the bill be –referred to the Committee on Appropriations. The Committee concurs and the bill passes.**

**HB 1029 – Impact of Student Mobility on Academic Perf. – Representative Folwell was called on to explain the bill. Representative Samuelson moves for a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House. The Committee concurs and the bill passes.**

**Representative Lucas hands the gavel to Representative Bell so that he may explain HB 856.**

**HB 856 – Modify Charter School Law – Representative Cotham moves that the PCS is properly before the Committee. Representative Lucas explains the bill. There were several questions/comments from members, Mr. Brian Lewis, NCAE and Ms. Leanne Winner, NC School Board. Representative Samuelson moves for a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The Committee concurs and the bill passes. The gavel is returned to Representative Lucas.**

**Meeting adjourned.**



**Marvin W. Lucas**  
**Chair**

**Respectfully submitted,**

  
**Thelma T. Utley**  
**Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, April 14, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:** Remove HB 161

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 161	Require Six-Year-Olds to Attend School.	Representative Glazier Representative Bryant Representative Parmon Representative Rapp
HB 218	Parent & Student Educational Involvement Act.	Representative Glazier Representative Bryant Representative Ross Representative Weiss
HB 817	Establish NC Financial Literacy Council.	Representative Tillis Representative Glazier Representative Howard Representative Wainwright
HB 856	Modify Charter School Law.	Representative Lucas Representative Bell Representative Yongue Representative Wiley
HB 1029	Impact of Student Mobility on Academic Perf.	Representative Folwell Representative Glazier Representative Wiley Representative Parmon

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

**9:30 on April 14, 2009.**

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma T. Utley (Committee Assistant)**

# VISITOR REGISTRATION SHEET

EDUCATION

04/14/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Alison Kiser	Planned Parenthood
Sarah Preston	ACLU
Jennifer Mahan	MHANC
Ann Madlock	Governor's Office
Jack Moyer	DPI - Office of Charter Schools
LUKE HARDISON	Rep. Glaziers Office
Bill Brooks	NCFPC
Brian Lewis	NLA E
Steve Shahan	Pryor Smith
Regin Maper	g
Chris Minard	State Bd of Ed
L. Reyn	CPAX

# VISITOR REGISTRATION SHEET

## EDUCATION

04/14/2009

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Evelyn Hueston

PENE; C/SN/C

*[Signature]*

mmc

*W. H. Hall*

TPC

Jul Stewart

NZ handle

Karl Seemul

WCSR

## VISITOR REGISTRATION SHEET

Education

Name of Committee

~~April~~ April 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Michael Hutson	MWC
Emily Doyle	NCPAPA
Lloyd Thrower	NCPAPA
Paige Johnson	Planned Parenthood
Don Harmon	WCPSS
Paul Stork	NCBH
Judy Drago	NC DPI
Cindy Williamson	NC DPI
Chuck Hawkins	NCPS
Jim Stegall	U.C. P.S.
Gene Royall	NC Family Policy Council



# VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Evin Schnell

UNC

Pamela Schore

NCHSA

Julia Heggett

The Arc of NC

Sybil Bowick

DEHNC

Elizabeth Parker

TEFNC

Angela Hunt

NCSCDC

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, April 14, 2009**  
**Room 643 LOB**  
**11:00 A.M.**

**Representative Marvin W. Lucas**  
**Presiding Chair**

Call to Order

Welcome/Introductions

The following bills will be considered:

**HB 218 Parent & Student Educational Involvement**  
**Act – Reps. Glazier, Bryant, Ross, Weiss**

**HB 1029 Impact of Student Mobility on Academic Perf. –**  
**Reps. Folwell, Glazier, Wiley, Parmon**

**HB 817 Establish NC Financial Literacy Council –**  
**Rep. Tillis, Glazier, Howard, Wainwright**

**HB 856 Modify Charter School Law –**  
**Reps. Lucas, Bell, Yongue, Wiley**

Adjournment

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**HB 218** A BILL TO BE ENTITLED AN ACT TO ENACT THE PARENT AND STUDENT EDUCATIONAL INVOLVEMENT ACT.

☒ With a favorable report as to Committee substitute bill 2, which changes the title, unfavorable as to Committee Substitute Bill 1.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 218  
Committee Substitute Favorable 4/1/09  
PROPOSED COMMITTEE SUBSTITUTE H218-PCS50540-RQ-12

Short Title: Parent & Student Educational Involvement Act.

(Public)

Sponsors:

Referred to:

February 19, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE  
GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A  
SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-391(d5) reads as rewritten:

"(d5) When a student is ~~expelled or suspended~~ recommended for expulsion or suspension for more than 10 days, the local board shall give written notice to the student's ~~parent or guardian by certified mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve actual notice of the student's rights under this section.~~ parent. For the purposes of this subsection, the word "parent" shall mean parent, guardian, caregiver, or other person legally responsible for the student. The written notice shall be provided to the student's parent by the end of the workday during which the suspension for more than 10 days or expulsion is recommended when reasonably possible, but in no event later than the end of the following workday. The written notice shall provide at least the following information:

- (1) A description of the incident leading to the recommendation that the student be expelled or suspended for more than 10 days;
- (2) The specific provisions of the student conduct policy or rule alleged to have been violated;
- (3) The specific process by which the parent may request a hearing to contest the suspension for more than 10 days or expulsion, including the number of days within which the hearing must be requested;
- (4) The process by which a hearing will be held, including, to the extent provided by law, the student's opportunity to examine evidence and present evidence, to confront and cross-examine witnesses supporting the charge, and to call witnesses to verify the student's version of the incident;
- (5) The parent is permitted to retain an attorney to represent the student in the hearing process;
- (6) The extent to which the local board policy permits the parent to have an advocate to accompany the student to assist in the presentation of his or her appeal instead of an attorney; and
- (7) The parent has a right to review the student's educational records prior to the hearing.



\* H 2 1 8 - P C S 5 0 5 4 0 - R Q - 1 2 \*

1     Written notice may be provided by certified mail, telefax, e-mail, or any other written  
2     method reasonably designed to achieve actual notice of the recommendation for expulsion or  
3     suspension for more than 10 days. If English is the second language of the parent or guardian,  
4     the notice shall be written in the parent or guardian's first language when the appropriate  
5     foreign language resources are readily available and in ~~English, and both~~ English. Both versions  
6     shall be in plain language and shall be easily understandable."

7             **SECTION 2.** This act is effective when it becomes law and applies beginning with  
8     the 2009-2010 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 218

Short Title: Parent & Student Educational Involvement Act. (Public)

Sponsors: Representatives Glazier, Bryant, Ross, Weiss (Primary Sponsors);  
K. Alexander, M. Alexander, Cotham, Faison, Fisher, E. Floyd, Hall, Harrison,  
Hughes, Insko, Jeffus, Jones, Lucas, Luebke, Mackey, Mobley, Parmon,  
Tarleton, and Wainwright.

Referred to: Juvenile Justice, if favorable, Education.

February 19, 2009

A BILL TO BE ENTITLED

AN ACT TO ENACT THE PARENT AND STUDENT EDUCATIONAL INVOLVEMENT  
ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-391(d5) reads as rewritten:

"(d5) When a student is ~~expelled or suspended~~ recommended for expulsion or suspension for more than 10 days, days ("long-term suspension"), the local board shall give written notice to the student's ~~parent or guardian by certified mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve actual notice of the student's rights under this section~~ parent, guardian, caregiver, or other person legally responsible for the child (hereinafter referred to as the parent). The written notice shall be provided to the student's parent by the end of the workday during which the suspension or expulsion is recommended when reasonably possible, but in no event later than the end of the following workday. The written notice shall provide at least the following information:

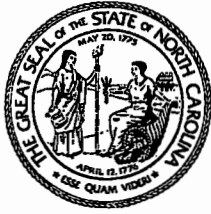
- (1) A description of the incident leading to the recommendation that the student be expelled or suspended;
- (2) The specific provisions of the student conduct policy or rule alleged to have been violated;
- (3) The specific process by which the parent may request a hearing to contest the suspension or expulsion, including the number of days within which the hearing must be requested;
- (4) The process by which a hearing will be held, including the student's right to examine evidence and present evidence, to confront and cross-examine witnesses supporting the charge, and to call witnesses to verify the student's version of the incident;
- (5) That the parent is permitted to retain an attorney or advocate to represent the student in the hearing process;
- (6) Whether and the extent to which board policy permits the parent to have an advocate to accompany the student to assist in the presentation of his or her appeal instead of an attorney; and
- (7) That the parent has a right to review the student's educational records prior to the hearing.

Written notice may be provided by certified mail, telefax, e-mail, or any other written method reasonably designed to achieve actual notice of the recommendation for expulsion or



1 long-term suspension. If English is the second language of the parent or guardian, the notice  
2 shall be written in the parent or guardian's first language when the appropriate foreign language  
3 resources are readily available and in ~~English, and both~~English. Both versions shall be in plain  
4 language and shall be easily understandable."

5 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
6 the 2009-2010 school year.



# HOUSE BILL 218: Parent & Student Educational Involvement Act

2009-2010 General Assembly

<b>Committee:</b>	House Education	<b>Date:</b>	April 14, 2009
<b>Introduced by:</b>	Reps. Glazier, Bryant, Ross, Weiss	<b>Prepared by:</b>	Drupti Chauhan*
<b>Analysis of:</b>	PCS to Second Edition H218-CSRQ-12[v.3]		Committee Counsel

**SUMMARY:** *House Bill 218 would enact "The Parent and Student Educational Involvement Act" and would require written notice to a student's parent, guardian, caregiver, or other person legally responsible for the student when the student has been recommended for expulsion or suspension for more than 10 days. The written notice must specific information regarding the incident that led to the recommendation as well as the hearing and appeals process.*

*The Proposed Committee Substitute makes technical changes to the bill.*

**CURRENT LAW:** When a student is expelled or suspended from school for more than 10 days, the local board of education has to give notice to the student's parent or guardian by certified mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve actual notice of the student's rights. The notice must be in English and must also be in the parent or guardian's first language if English is their second language and if the appropriate foreign language resources are available. Both versions of the notice must be in plain language and easily understandable.

**BILL ANALYSIS:** The PCS for House Bill 218 would amend G.S. 115C-391(d5) regarding the notice required to parents when a student is expelled or suspended for more than 10 days.

The PCS would make the following changes to the current notice requirements:

- Require notice when a student is recommended for expulsion or suspension for more than 10 days. Current law requires notice when the student is expelled or suspended for more than 10 days.
- Require the notice be written and can be provided by certified mail, telefax, e-mail or any other written method reasonably designed to achieve actual notice. Current law also allows notice to be given by telephone.
- Requires notice to the parent, guardian, caregiver, or other person legally responsible for the child. Current law only mentions parent or guardian.
- Requires the written notice to be provided by the end of the workday during which the suspension or expulsion is recommended when reasonably possible, but in no event later than the end of the following workday. Current law provides no time period

The PCS would require that the written notice must include:

- A description of the incident leading to the recommendation for expulsion or suspension for more than 10 days.
- The specific provisions of the student conduct policy or rule alleged to have been violated.
- The specific process to request a hearing to contest the expulsion or suspension for more than 10 days, including the number of days within which to request a hearing.



# House Bill 218

Page 2

- The hearing process, including, to the extent provided by law, the student's opportunity to examine and present evidence and witnesses.
- Notice that the parent is permitted to retain an attorney to represent the student in the hearing process.
- The extent to which the local board policy permits the parent to have an advocate to accompany the student to assist in the presentation of an appeal instead of an attorney.
- The parent's right to review the student's educational records prior to the hearing.

**EFFECTIVE DATE:** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.

*H218-SMRQ-30(CSRQ-12) v2*

*\*Susan Sitze, Counsel to the Juvenile Justice Committee, significantly contributed to this summary.*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 817**      A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 817\*

Short Title:    Establish NC Financial Literacy Council. (Public)

Sponsors:    Representatives Tillis, Glazier, Howard, Wainwright (Primary Sponsors);  
                 Brubaker, Bryant, Carney, Cotham, Dollar, Faison, Fisher, Guice, Hall,  
                 Harrison, Holliman, Hughes, Insko, Jones, Justice, Killian, Lucas, McComas,  
                 McGee, Neumann, Stam, and Steen.

Referred to:    Education, if favorable, Appropriations.

March 30, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND  
EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL  
NORTH CAROLINIANS.

Whereas, The \$kill Set Survey conducted through the Office of the State Treasurer found seventh graders failed in their knowledge of basic financial concepts; and

Whereas, the North Carolina Jump\$tart Coalition's biannual survey of high schoolers found that North Carolina's young people understand less about financial concepts and the functioning of the economy than was the case two years previously; and

Whereas, nearly three million households in North Carolina do not have relationships with mainstream financial institutions that provide opportunities to save and access other financial services; and

Whereas, more than a quarter of all North Carolina households with children do not have enough money saved to weather a loss of earned income for three months; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 114 of the General Statutes is amended by adding a new Article to read:

"Article 8.

"Financial Literacy Council.

**"§ 114-50. Financial Literacy Council established.**

There is established within the Department of Justice the North Carolina Financial Literacy Council (Council). The Council shall monitor and assist the Department of Public Instruction in the coordination of statewide delivery of financial education within the public school system, shall identify programs designed to increase the financial literacy of North Carolinians outside the public school system, and shall work to expand access to financial education resources and programs in communities across North Carolina.

**"§ 114-51. Membership; terms.**

(a) The Council shall consist of 18 members appointed by and serving at the pleasure of the Governor. The Governor shall designate a chair from among the members of the Council. Membership shall be as follows:

(1) Ten members from government agencies with responsibility for programming and services related to financial education, financial services,



\* H 8 1 7 - V - 1 \*

and related economic stability efforts. At least one representative shall come from each of the following government agencies:

- a. Community College System.
- b. Department of Commerce.
- c. Department of Justice.
- d. Department of Labor.
- e. Department of Public Instruction.
- f. Department of the Secretary of State.
- g. Department of the State Treasurer.
- h. Office of the Commissioner of Banks.
- i. The University of North Carolina.

(2) Two public members with experience in the financial services industry.

(3) Two public members who represent employers with experience in providing financial education to their employees.

(4) Four public members with experience in consumer advocacy or nonprofit financial education.

(b) Members of the Council shall be appointed for terms of three years. Members shall serve until their successors are appointed and qualified.

**"§ 114-52. Department of Justice to support.**

The Department of Justice shall provide administrative and staff support to the Council.

**"§ 114-53. Frequency of meetings.**

The Council shall meet at least quarterly.

**"§ 114-54. Duties.**

The Council shall conduct the following activities:

(1) Study and document current financial education programs in North Carolina and best practices across the country.

(2) Coordinate activities related to financial education and asset building that occur within various government agencies, private enterprise, and the nonprofit sector to ensure dissemination of resources and information to households across the State.

(3) Propose public and private policy, organizational changes, and systemic changes to ensure all North Carolinians have access to training about necessary financial skills and experience with financial services.

(4) Consider and make recommendations specifically to address the following issues:

a. Current personal financial literacy programming in the public schools and how to integrate financial education in K-12 to ensure that young people are prepared for financial success.

b. Unique financial issues facing students in higher education through the community college and public university systems.

c. Creation and access to financial products that provide hands-on learning of financial skills.

(5) Monitor the outcomes of financial education programs, focusing specifically on the following indicators: improved financial knowledge, improved financial behaviors, and increased access to and use of affordable financial services.

(6) Use the talents, expertise, and resources within the State, especially those of the public schools, community colleges, and State university system, as well as the bank and credit union industries, in furtherance of its mission.

1       (7)   Report to the General Assembly and the Governor annually on the  
2           performance of its prescribed duties and on the financial education activities  
3           conducted by State agencies and their impact.

4   "**§ 114-55. State officers, etc., upon request, to furnish data and information to the**  
5       **Council.**

6       Except as provided in G.S. 105-259; all officers, agents, agencies, and departments of the  
7       State are required to give to the Council, upon request, all information and all data within their  
8       possession or ascertainable from their records."

9       **SECTION 2.** This act is effective when it becomes law.



# HOUSE BILL 817: Establish NC Financial Literacy Council

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	April 10, 2009
<b>Introduced by:</b>	Reps. Tillis, Glazier, Howard, Wainwright	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *Creates a Financial Literacy Council in the Department of Justice to monitor and assist the Department of Public Instruction in coordinating statewide delivery of financial education in the public schools and to expand access to financial education resources and programs across the State.*

[As introduced, this bill was identical to S1019, as introduced by Sen. Stein, which is currently in Senate Education/Higher Education.]

## BILL ANALYSIS:

House Bill 817 creates the North Carolina Financial Literacy Council (Council) in the Department of Justice. The Governor shall appoint 18 members to the Council for 3-year terms. Ten of the Council members shall be from government agencies that are responsible for programs and services related to financial education, financial services, and economic stability efforts. A total of 8 public members will serve on the Council: two public members with experience in the financial services industry, two public members who represent employers with experience in providing financial education to their employees and four public members with experience in consumer advocacy or nonprofit financial education. The Department of Justice shall supply administrative staff and support to the Council.

The Council shall meet at least quarterly and conduct activities including:

- Study current financial education programs in the State and best practices across the nation
- Coordinate activities relating to financial education and asset building within government agencies, private enterprise, and the nonprofit sector to ensure dissemination of information and resources across the State
- Propose policy and organizational changes to ensure access to financial skills training for all citizens
- Consider specifically personal financial literacy programs in the public schools and the unique financial issues facing students at the community colleges and the UNC constituent institutions.
- Monitor outcomes of financial education programs and make an annual report to the Governor and the General Assembly on State agency activities and their impact.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

## CURRENT LAW:

The Standard Course of Study shall include instruction in personal financial literacy for all high school students. In 2005, the State Board of Education was directed to determine the components of personal financial literacy to be taught, develop the curriculum, and integrate the curriculum into the standard course of study within the next two years. Also in 2005, the State Board of Education was directed to include instruction on personal financial literacy in a pilot virtual high school during the 2005-06 and 2006-07 school years. The instruction was to be in the areas of consumer financial education, personal finance, and personal credit.

# House Bill 817

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## BACKGROUND:

DPI determined that instruction in personal financial literacy is not only the responsibility of high school teachers but should be taught beginning in kindergarten. Therefore, personal financial literacy is found in all K-12 economic strands in social studies. In high school, the Civics and Economics course includes modules of instruction in credit, savings, investing and checking.

April is recognized across the United States as National Financial Literacy Month. Governor Perdue has proclaimed April 2009 as Financial Literacy Month for North Carolina and April 15, 2009, as Personal Financial Literacy Day.

H817-SMRJ-28(e1) v3

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 856** A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE  
NUMBER OF CHARTER SCHOOLS AND TO IMPLEMENT RECOMMENDATIONS OF  
THE BLUE RIBBON COMMISSION ON CHARTER SCHOOLS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 856  
PROPOSED COMMITTEE SUBSTITUTE H856-PCS80332-SF-13

Short Title: Modify Charter School Law.

(Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS AND TO  
IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON  
CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.29D(b) reads as rewritten:

"(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than ~~100-106~~ charter schools statewide. If more than five charter schools in one local school administrative unit or more than ~~100-106~~ schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located. The State Board shall also give priority to applications for schools that will be located within local school administrative units that have no charter schools."

**SECTION 2.** G.S. 115C-238.29C is amended by adding a new subsection to read:

"(a) The chartering entity shall continuously evaluate its process for reviewing applications in an effort to identify the characteristics of charter school founding members, boards, and academic programs that are predictive of later success of charter schools."

**SECTION 3.** G.S. 115C-238.29G reads as rewritten:

**"§ 115C-238.29G. Causes for nonrenewal or termination; disputes.**

(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the charter;
- (1a) Failure to meet the standards for academic growth and academic performance developed by the State Board of Education in accordance with subsection (a) of this section;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the charter;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or



\* H 8 5 6 - P C S 8 0 3 3 2 - S F - 1 3 \*

(6) Other good cause identified.

(a1) The State Board of Education shall develop a diagnostic process of oversight to enable a timely response to inadequate performance by a school. Under this process, a school that demonstrates low growth in student performance and low student performance shall be reviewed, and the results of the review shall determine subsequent action relative to the school. By the end of the second year of operation, the minimum standard for academic growth for a charter school shall be a year's growth in individual student performance in a school year.

If the State Board of Education finds that a charter school has failed to meet its projected levels of improvement in student performance or had low levels of student performance for two consecutive years, the State Board may terminate or fail to renew that charter at the end of the school year in which that finding is made.

...."

**SECTION 4. G.S. 115C-238.29F(g)(5) reads as rewritten:**

**"§ 115C-238.29F. General requirements.**

...

(g) Admission Requirements. –

...

(5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of ~~intellectual ability~~, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year-year, to the twin or other multiples of a student admitted to the school for the upcoming year, and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school's board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school's total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school. ~~Within one year after the charter school begins operation, the population of the school shall reasonably reflect~~ Each year, the school shall make a good-faith effort to ensure that the applicant pool for admission to the school reasonably reflects the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

(6) During each period of enrollment, the charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students shall be accepted by lot. Once enrolled, students are not required to reapply in subsequent enrollment periods."

**SECTION 5. This act becomes effective July 1, 2009.**

1  
**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

**H**

**1**

**HOUSE BILL 856**

Short Title:   Modify Charter School Law.

(Public)

Sponsors:   Representatives Lucas, Bell, Yongue, Wiley (Primary Sponsors); Blust, Brisson, Burr, Coates, Cole, Current, Dollar, England, Folwell, Goforth, Gulley, Hill, Holliman, Hurley, Johnson, Jones, Killian, Lewis, Mobley, Neumann, Owens, Parmon, Pierce, Rapp, Samuelson, Tillis, Underhill, Williams, and Wray.

Referred to:   Education, if favorable, Appropriations.

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS AND TO IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.29D(b) reads as rewritten:

"(b)   The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than ~~100~~106 charter schools statewide. If more than five charter schools in one local school administrative unit or more than ~~100~~106 schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located. The State Board shall also give priority to applications for schools that will be located within local school administrative units that have no charter schools."

**SECTION 2.** G.S. 115C-238.29C is amended by adding a new subsection to read:

"(a1) The chartering entity shall continuously evaluate its process for reviewing applications in an effort to identify the characteristics of charter school founding members, boards, and academic programs that are predictive of later success of charter schools."

**SECTION 3.** G.S. 115C-238.29G reads as rewritten:

**"§ 115C-238.29G. Causes for nonrenewal or termination; disputes.**

(a)   The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

(1)   Failure to meet the requirements for student performance contained in the charter;

(1a) Failure to meet the standards for academic growth and academic performance developed by the State Board of Education in accordance with subsection (a1) of this section;

(2)   Failure to meet generally accepted standards of fiscal management;

(3)   Violations of law;

(4)   Material violation of any of the conditions, standards, or procedures set forth in the charter;

(5)   Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or



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(6) Other good cause identified.

(a1) The State Board of Education shall develop a diagnostic process of oversight to enable a timely response to inadequate performance by a school. Under this process, a school that demonstrates low growth in student performance and low student performance shall be reviewed and the results of the review shall determine subsequent action relative to the school. By the end of the second year of operation, the minimum standard for academic growth for a charter school shall be a year's growth in individual student performance in a school year.

If the State Board of Education finds that a charter school has failed to meet its projected levels of improvement in student performance or had low levels of student performance for two consecutive years, the State Board may terminate or fail to renew that charter at the end of the school year in which that finding is made.

...."

SECTION 4. G.S. 115C-238.29F(g)(5) and (6) read as rewritten:

"§ 115C-238.29F. General requirements.

...

(g) Admission Requirements. –

...

(5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of ~~intellectual ability~~, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year-year, to the twin or other multiples of a student admitted to the school for the upcoming year, and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school's board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school's total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school. ~~Within one year after the charter school begins operation, the population of the school shall reasonably reflect~~ The school shall make efforts to ensure that the applicant pool for admission to the school reasonably reflects the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

(6) During each period of enrollment, the charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students shall be accepted by lot. Once enrolled, students are not required to reapply in subsequent enrollment periods."

SECTION 5. This act becomes effective July 1, 2009.



# HOUSE BILL 856: Modify Charter School Law

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	April 14, 2009
<b>Introduced by:</b>	Reps. Lucas, Bell, Yongue, Wiley	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to First Edition H856-CSSF-13		Legislative Analyst

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**SUMMARY:** *The Proposed Committee Substitute (PCS) to House Bill 856 would make the following changes to the charter school law:*

- *Raise the statewide cap on the number of charter schools;*
- *Give priority to applications for schools in LEAs that have no charter schools;*
- *Require a chartering entity to evaluate its process for reviewing applications;*
- *Add a condition for which the State Board could terminate or not renew a charter;*
- *Require the State Board to develop a process to respond to inadequate performance by a charter school;*
- *Give enrollment priority to twins or other multiples; and*
- *Amend the admission requirements.*

*The PCS would clarify that a charter school must make a good faith effort each year to ensure that the applicant pool for admission is ethnically and racially diverse.*

*The PCS for House Bill 856 has a serial referral to Appropriations.*

**CURRENT LAW:** The State Board of Education (State Board) may authorize no more than 100 charter schools statewide. Each year, the State Board may authorize a maximum of five charter schools in any one local school administrative unit. At this time, there are 97 charter schools in North Carolina.

Charter schools are public schools. Currently, any person, group of persons, or nonprofit corporation may apply for a charter to establish a charter school or to convert an existing public school to a charter school. Application for preliminary approval is made to the local board of education of the local school administrative unit where the school will be located, the board of trustees of a UNC constituent institution, or the State Board of Education. If the charter is granted, the charter school is accountable to the entity that grants preliminary approval.

The State Board, or a chartering entity subject to the approval of the State Board, may terminate or not renew a charter upon any of the following grounds: (i) failure to meet the requirements for student performance contained in the charter, (ii) failure to meet generally accepted standards of fiscal management, (iii) violation of law, (iv) material violation of any of the conditions, standards, or procedures set forth in the charter, (v) two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed, or (vi) other good cause identified. The State Board must have a process in place to address contractual and other grievances between a charter school and its chartering entity or the local board of education. The State Board and the charter school are encouraged to make a good-faith attempt to resolve the differences that may arise between them. They may agree to jointly select a mediator.

# House Bill 856

Page 2

Except as otherwise provided by law or the mission of the school as set out in its charter, a charter school cannot limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. A charter school may give enrollment priority to siblings of currently enrolled students, and to children of the school's principal, teachers, and teacher assistants. During its first year of operation, a charter school may give limited enrollment priority to children of the initial members of the charter school's board of directors.

Within one year after a charter school begins operation, the population of the school must reasonably reflect (i) the racial and ethnic composition of the general population residing within the school system in which the charter school is located or (ii) the racial and ethnic composition of the special population that the school seeks to serve residing within the school system in which the charter school is located.

## **BILL ANALYSIS:**

**Section 1.** Currently the State Board may authorize no more than 100 charter schools statewide. Each year, the State Board may authorize a maximum of five charter schools in any one local school administrative unit (LEA).

The PCS to House Bill 856 would raise the statewide cap to 106 and would require the State Board to give priority to applications for schools that will be located in LEAs that have no charter schools. Currently, there are 67 counties that do not have charter schools.

**Section 2.** An applicant must submit an application to a chartering entity for preliminary approval. A chartering entity may be the local board of education in the LEA where the charter school will be located; the board of trustees of a UNC constituent institution, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or the State Board of Education.

The PCS to House Bill 856 would require the chartering entity to continuously evaluate its process for reviewing applications to identify characteristics that are predictive of successful charter schools, specifically characteristics of charter school founding members, boards, and academic programs.

**Section 3.** The charter school law enumerates the grounds for termination or nonrenewal of a charter. The PCS to House Bill 856 would allow the State Board to terminate or not renew a charter for failure to meet specified standards for academic growth and academic performance developed by the State Board. The State Board would be required to develop a diagnostic process of oversight to enable a timely response to inadequate performance by a school. Under this process, a school that demonstrates low student performance and low growth in student performance would be reviewed. By the end of the second year of operation, the minimum standard for academic growth for a charter school would be a year's growth in individual student performance in a school year. If the State Board finds that a charter school failed to meet its projected levels of improvement in student performance or had low levels of student performance for two consecutive years, the State Board could terminate or fail to renew that charter at the end of the school year in which that finding is made.

**Section 4.** Charter schools may give enrollment priority to siblings of currently enrolled students. This bill would allow charter schools to also give enrollment priority to the twin or other multiples of a student admitted to the school for the upcoming year so that twins or other multiples may attend the same school.

Charter schools are required within one year after opening to have a student body that reasonably reflects the racial and ethnic composition of the general population within the LEA where the charter school is located. The PCS to House Bill 856 would change that provision to require a charter school to make a good faith effort to ensure that the applicant pool for admission to the school reasonably reflects

# House Bill 856

Page 3

the racial and ethnic composition of the general population within the LEA where the charter school is located or the racial and ethnic composition of the special population that the school seeks to serve.

**EFFECTIVE DATE:** The act would become effective July 1, 2009.

**BACKGROUND:** House Bill 856 would implement recommendations of the Blue Ribbon Commission on Charter Schools.

In 2007 the State Board of Education (Board) convened a Blue Ribbon Commission on Charter Schools. The charge of the Commission was to:

- Evaluate the current status of charter schools including current and past legislation, and current Board policies that affect charter school functioning;
- Determine where the charter sector needs to improve and develop goals for the future;
- Identify how current legislation can enable achievement of these goals, or if legislation needs to be adjusted to allow the state's charter school program to improve; and
- Assess current Board policies to determine if they need to be adjusted or if new ones are necessary.

H856-SMSF-30(e1) v3

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1029**                      A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT  
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE IMPACT OF  
STUDENT MOBILITY ON ACADEMIC PERFORMANCE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.







# HOUSE BILL 1029: Impact of Student Mobility on Academic Perf

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	April 14, 2009
<b>Introduced by:</b>	Reps. Folwell, Glazier, Wiley, Parmon	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 1029 would direct the Joint Legislative Education Oversight Committee to study the impact of student mobility on academic performance. The Committee would be required to report the results of its study to the 2010 General Assembly.*

**BILL ANALYSIS:** In the course of the study, the Joint Legislative Education Oversight Committee would consider the following:

- The mobility rates of different student populations, especially those at risk of academic failure, and the relationship between high mobility rates and student performance for different student populations,
- Obstacles to receiving a sound basic education that are a product of high mobility rates, and
- Strategies for meeting the needs of students who move frequently, especially students at risk of academic failure.

**EFFECTIVE DATE:** This act would become effective July 1, 2009.

**BACKGROUND:** Student mobility refers to students changing schools for reasons other than grade promotion. Most of the research on mobility has found a negative association between student mobility and academic performance.

- According to a study conducted in 1994 by the U.S. Government Accounting Office, children who change schools more than three times before eighth grade are at least four times more likely to drop out of school.
- Another study found that successive school changes result in a cumulative academic lag – students who move more than three times in a six-year period can fall one full academic year behind non-mobile students.
- One study showed evidence that mobility during elementary school as well as during high school reduces the prospects for graduation.

*This summary was substantially contributed to by Dee Atkinson, Research Assistant.*

H1029-SMTC-45(e1) v1

House Pages

Name Of Committee: Education Date: 4-14-09

1. Name: Ashtley Williams  
County: Cumberland  
Sponsor: Marvin Lucas
2. Name: Will Hayman  
County: Wake  
Sponsor: Joe Hackney
3. Name: Jordan Williamson  
County: Watauga  
Sponsor: Cullie Tzieton
4. Name: John Privott  
County: Lee  
Sponsor: Jimmy Love
5. Name: \_\_\_\_\_  
County: \_\_\_\_\_  
Sponsor: \_\_\_\_\_

Pages from Lois  
office

Sgt-At-Arms

1. Name: Marvin Lee Martha Parush
2. Name: Trey Raley
3. Name: Judy Turner
4. Name: John Brandon

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
April 21, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, April 21, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon, and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Bordsen, Brown, Bryant, Cleveland, Dickson, Dockham, Dollar, England, B. Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Insko, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Michaux, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Stiller, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements were made to the pages and all those instrumental in the success of the education committee.

The agenda was presented and the following bills were before the committee:

**HB 1470 – A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE LENGTH OF THE SCHOOL LUNCH PERIOD ACROSS THE STATE TO DETERMINE WHETHER STUDENTS HAVE ADEQUATE TIME FOR MEALS.**

**Representative Yongue** explained the bill and entertained questions from the committee. **Representative Cotham** pointed out the importance of start time for lunches; diabetics would need special consideration. **Representative Womble** queries the average time and motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House. HB 1470 passed.

**HB 1471 – A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY.**

**Representative Yongue** urges support of the bill. **Representative Blackwood** moved for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary III. HB 1471 passed.

**HB 538 – A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.**

**Representative Lucas** moved to adopt the PCS, the motion passed. **Representative Cotham** explained that the technical change does not change the way the law enforcement currently operates in the local schools or the communities. There is no fiscal impact on the state of North Carolina. The CMS officers will have county wide jurisdiction. Representative R. Warren moved for a favorable report to the committee substitute bill, unfavorable to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary I. HB 538 passed.

Chairman Bell relinquished the gavel to Chairman Lucas to present HB 1179. **Representative Alexander** moved to adopt the PCS, the motion passed.

**HB 1179 – A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A PAY EQUITY STUDY OF PUBLIC SCHOOL COUNSELOR COMPENSATION.**

**Representative Bell** explained the date change and the addition of assistant principals. **Representative Womble** motioned for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House.


**HB 593 – A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL STARTING DATE FOR STUDENTS.**

**Representative Luebke** explained that by moving the school opening date for students to no earlier than the second Monday in August, the semester could end before the Christmas holidays. This change would make the school opening date for students about two weeks earlier than the current - no earlier than August 25 requirement. There was so much debate and concern over HB 593 that Chairman Bell call for a recess until after session to allow for everyone to be able to speak.

**Chairman Bell** adjourned the meeting at 11:50 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, April 21, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

**BILL NO.    SHORT TITLE**

HB 538      Char/Meck School Board Police.

**SPONSOR**

Representative Cotham  
Representative Tillis  
Representative Mackey

HB 1470      Study Length of School Lunch Period.

Representative Yongue  
Representative Jeffus  
Representative Glazier

HB 1471      Counties & Schools Share P. E.  
Equipment.

Representative Yongue  
Representative Bell  
Representative McLawhorn

HB 593      Change School Starting Date.

Representative Luebke  
Representative M. Alexander  
Representative England  
Representative Rapp

HB 1179      Study Equity of School Counselor  
Compensation.

Representative Bell

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:00 o'clock on **April 15, 2009**.

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Enola Lineberger	private citizen 26 Royal County Down Pinehurst NC 28374
John Davis	Public School for an
Michael Hutson	MWC
Lu-Ann C. Pym	CTA
John Hill	MWC
Matt Jewell	TPG
Conor Brackett	NCSBA
Joel Maxner	CMS
Wm McCrell	NCIC 4
Whif Thorne	DRAPPD
Gene Cauby	NCSMA

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Lynn Marshbanks	3404 English Circle, Willow Springs
Bud Cesena	CMS LAW ENFORCEMENT
Lynn Bonner	NRE/Chawo
Amy McCorkery	Smith Anderson
Jim Harts	HANC
<del>Maria Tronka</del>	NCACC
<del>Glenn</del>	Gov's Page
Heather Mims	Gov's Page
Hailey Cleverly	Gov's Page
Tiffany Simon	Gov's Page
Quynha Petersen	Gov's Page



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Katherine Joyce Shelby Hawthorne	NCA SA PENC; CISNC
Chris Minard	State Bd of Ed.
EMILY DOYLE	NCPAPA
LOUISE LEE	SAVE OUR SUMMERS - NC
DAVID LEE	" " " - NC
Amy Schilder	MWC
Jeff Brant	NC FOR
SEAN FINSEL	CUCA
Jon Carr	NC Restaurant + Lodging Assoc.
David Haskins	Smoky Mt. Host

## VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**04-21-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Conne Wilson

NCT/A

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

Destiny Bullock

GON's Page

John Zelt

KMC

Susan Farmer

WCFB

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**April 21, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

**HB 1470 Study Length of School Lunch  
Period.**

**Representative Yongue  
Representative Jeffus  
Representative Glazier**

**HB 1471 Counties & Schools Share P. E.  
Equipment.**

**Representative Yongue  
Representative Bell  
Representative McLawhorn**

**HB 593 Change School Starting Date.**

**Representative Luebke  
Representative M. Alexander  
Representative England  
Representative Rapp**

**HB 538 Char/Meck School Board Police.**

**Representative Cotham  
Representative Tillis  
Representative Mackey**

**HB 1179 Study Equity of School Counselor  
Compensation.**

**Representative Bell**

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1470**            A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE LENGTH OF THE SCHOOL LUNCH PERIOD ACROSS THE STATE TO DETERMINE WHETHER STUDENTS HAVE ADEQUATE TIME FOR MEALS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1470**

**Short Title:** Study Length of School Lunch Period. (Public)

**Sponsors:** Representatives Yongue, Jeffus, Glazier (Primary Sponsors); Lucas, McLawhorn, and Wray.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

April 13, 2009

1                                   A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE LENGTH  
3 OF THE SCHOOL LUNCH PERIOD ACROSS THE STATE TO DETERMINE  
4 WHETHER STUDENTS HAVE ADEQUATE TIME FOR MEALS.  
5 The General Assembly of North Carolina enacts:  
6       **SECTION 1.** The State Board of Education shall study the length of the school  
7 lunch period across the State to determine whether students have adequate time for meals. In  
8 the course of the study, the Board shall consider the actual amount of time elementary, middle  
9 school, and high school students have to select and consume meals and the adequacy of that  
10 length of time. The Board shall report the results of the study to the Joint Legislative Education  
11 Oversight Committee by October 15, 2009.  
12       **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 1470: Study Length of School Lunch Period

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	April 19, 2009
<b>Introduced by:</b>	Reps. Yongue, Jeffus, Glazier	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

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**SUMMARY:** *House Bill 1470 directs the State Board of Education to determine if the length of the school lunch period allows adequate time for meals. As part of the study, the Board shall consider the actual time that elementary, middle school, and high school students have to select and eat their meals. The Board shall report to the Joint Legislative Education Oversight Committee by October 15, 2009.*

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**BACKGROUND:** Some current research shows that persons who eat quickly can eat three to four times more calories than they actually need. Also, persons who are overweight tend to eat more quickly than those persons who are not overweight. When a person eats quickly, the body does not have enough time to communicate that it is sated and more calories are consumed. The body needs approximately twenty minutes to communicate satiety. One approach to the prevention of pediatric obesity is to provide a reasonable time for school children to eat lunch in order to stop quick eating and overeating.

H1470-SMRJ-35(e1) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1471**                    A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.



**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

**H**

**1**

**HOUSE BILL 1471**

Short Title:	Counties & Schools Share P. E. Equipment.	(Public)
<hr/>		
Sponsors:	Representatives Yongue, Bell, McLawhorn (Primary Sponsors); Glazier, Harrison, Insko, Lucas, and Wainwright.	
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Referred to:	Education, if favorable, Judiciary III.	
<hr/>		

April 13, 2009

1                                   A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL  
3 BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL  
4 GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR  
5 FACILITIES FOR PHYSICAL ACTIVITY.  
6 The General Assembly of North Carolina enacts:  
7       **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:  
8       **"§ 115C-12. Powers and duties of the Board generally.**  
9       The general supervision and administration of the free public school system shall be vested  
10 in the State Board of Education. The State Board of Education shall establish policy for the  
11 system of free public schools, subject to laws enacted by the General Assembly. The powers  
12 and duties of the State Board of Education are defined as follows:  
13       ...  
14       (35) To encourage local boards of education to enter into agreements regarding  
15       the joint use of facilities for physical activity. – The State Board of  
16       Education shall encourage local boards of education to enter into agreements  
17       with local governments and other entities regarding the joint use of their  
18       facilities for physical activity. The agreements should delineate  
19       opportunities, guidelines, and the roles and responsibilities of the parties,  
20       including responsibilities for maintenance and liability."  
21       **SECTION 2.** This act is effective when it becomes law.





## HOUSE BILL 1471: Counties & Schools Share P. E. Equipment

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary III	<b>Date:</b>	April 17, 2009
<b>Introduced by:</b>	Reps. Yongue, Bell, McLawhorn	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

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**SUMMARY:** *House Bill 1471 directs the State Board of Education to encourage local boards of education to enter into agreements with counties and other entities to jointly use facilities for physical activity.*

**BILL ANALYSIS:** House Bill 1471 directs the State Board of Education to encourage local boards to enter into agreements with local governments and other entities regarding the joint use of facilities for physical activity. The agreements should detail opportunities, guidelines, roles of the parties and responsibilities of the parties, including maintenance and liability.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

H1471-SMRJ-34(e1) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 538** A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY I.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 538\*

Short Title: Char/Meck School Board Police. (Local)  
Sponsors: Representatives Cotham, Tillis, Mackey (Primary Sponsors); K. Alexander,  
M. Alexander, Carney, Gulley, Killian, and Samuelson.  
Referred to: Education, if favorable, Judiciary I.

March 12, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION  
3 TO MAINTAIN A CAMPUS POLICE AGENCY.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Chapter 115C of the General Statutes is amended by adding a new  
6 section to read:  
7 "§ 115C-47.1. Campus law enforcement agencies.  
8 (a) A local board of education may establish a campus law enforcement agency and  
9 employ campus police officers. These officers shall meet the requirements of Chapter 17C of  
10 the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the  
11 Constitution, and shall have all the powers of law enforcement officers generally. The  
12 territorial jurisdiction of a campus police officer shall include all property owned or leased to  
13 the local board of education employing the officer and that portion of any public road or  
14 highway passing through the property or immediately adjoining it, wherever located.  
15 (b) A local board of education that establishes a campus law enforcement agency under  
16 subsection (a) of this section may enter into joint agreements with the governing board of any  
17 municipality to extend the law enforcement authority of campus police officers into any or all  
18 of the municipality's jurisdiction and to determine the circumstances under which this extension  
19 of authority may be granted.  
20 (c) A local board of education that establishes a campus law enforcement agency under  
21 subsection (a) of this section may enter into joint agreements with the governing board of any  
22 county, with the consent of the sheriff, to extend the law enforcement authority of campus  
23 police officers into any or all of the county and to determine the circumstances under which this  
24 extension of authority may be granted."  
25 SECTION 2. This act shall apply to the Charlotte-Mecklenburg Board of Education  
26 only.  
27 SECTION 3. This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 538\*  
PROPOSED COMMITTEE SUBSTITUTE H538-PCS50566-RQ-15

Short Title: Char/Meck School Board Police.

(Local)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION  
TO MAINTAIN A CAMPUS POLICE AGENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-47.1. Campus law enforcement agencies.**

(a) A local board of education may establish a campus law enforcement agency and employ campus police officers. These officers shall meet the requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement officers generally. The territorial jurisdiction of a campus police officer shall include all property owned or leased to the local board of education employing the officer and that portion of any public road or highway passing through the property or immediately adjoining it, wherever located.

(b) A local board of education that establishes a campus law enforcement agency under subsection (a) of this section may enter into joint agreements with the governing board of any municipality to extend the territorial jurisdiction of campus police officers into any or all of the municipality's jurisdiction and to determine the circumstances under which this extension of authority may be granted.

(c) A local board of education that establishes a campus law enforcement agency under subsection (a) of this section may enter into joint agreements with the governing board of any county, with the consent of the sheriff, to extend the territorial jurisdiction of campus police officers into any or all of the county and to determine the circumstances under which this extension of authority may be granted.

(d) The subject matter jurisdiction of campus police officers on property not owned or leased to the local board of education and within the territorial jurisdictions established pursuant to an agreement authorized by subsection (b) or (c) of this section shall be limited to investigations or arrests arising out of activities related to their duties, responsibilities, and authority as employees of a local board of education."

**SECTION 2.** This act shall apply to the Charlotte-Mecklenburg Board of Education only.

**SECTION 3.** This act is effective when it becomes law.



\* H 5 3 8 - P C S 5 0 5 6 6 - R Q - 1 5 \*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 538\*  
PROPOSED COMMITTEE SUBSTITUTE H538-CSRQ-15 [v.3]

4/17/2009 12:50:49 PM

Short Title: Char/Meck School Board Police.

(Local)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION  
TO MAINTAIN A CAMPUS POLICE AGENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-47.1. Campus law enforcement agencies.**

(a) A local board of education may establish a campus law enforcement agency and employ campus police officers. These officers shall meet the requirements of Chapter 17C of the General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of law enforcement officers generally. The territorial jurisdiction of a campus police officer shall include all property owned or leased to the local board of education employing the officer and that portion of any public road or highway passing through the property or immediately adjoining it, wherever located.

(b) A local board of education that establishes a campus law enforcement agency under subsection (a) of this section may enter into joint agreements with the governing board of any municipality to extend the territorial jurisdiction of campus police officers into any or all of the municipality's jurisdiction and to determine the circumstances under which this extension of authority may be granted.

(c) A local board of education that establishes a campus law enforcement agency under subsection (a) of this section may enter into joint agreements with the governing board of any county, with the consent of the sheriff, to extend the territorial jurisdiction of campus police officers into any or all of the county and to determine the circumstances under which this extension of authority may be granted.

(d) The subject matter jurisdiction of campus police officers on property not owned or leased to the local board of education and within the territorial jurisdictions established pursuant to an agreement authorized by subsections (b) or (c) of this section, shall be limited to investigations or arrests arising out of activities related to their duties, responsibilities, and authority as employees of a local board of education."

**SECTION 2.** This act shall apply to the Charlotte-Mecklenburg Board of Education only.

**SECTION 3.** This act is effective when it becomes law.



\* H 5 3 8 - C S R Q - 1 5 - V - 3 \*



## HOUSE BILL 538: Char/Meck School Board Police

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary I	<b>Date:</b>	April 21, 2009
<b>Introduced by:</b>	Reps. Cotham, Tillis	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	H538-CSRQ-15[v.3]		

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**SUMMARY:** *House Bill 538 would allow a local board of education to establish a campus law enforcement agency and employ campus police officers. The bill would apply only to the Charlotte Mecklenburg Board of Education.*

*The Proposed Committee Substitute (PCS) adds subsection (d) to the bill which would limit the subject matter jurisdiction of the campus police officers in areas designated by agreements with municipalities and counties.*

**BILL ANALYSIS:** The PCS for House Bill 538 would allow a local board of education to establish an independent campus law enforcement agency and employ campus police officers who:

- Meet the requirements of the North Carolina Criminal Justice Education and Training Standards (Chapter 17C of the General Statutes); and
- Take the oath of office prescribed by the State Constitution.

The territorial jurisdiction of a campus police officer would include all property owned or leased to the local board of education employing the officer and the portion of any public road or highway passing through the property or immediately adjoining it.

A local board of education that establishes a campus law enforcement agency would be able to enter into joint agreements with the governing board of any municipality to extend the territorial jurisdiction of the campus police officers into the municipality's jurisdiction and determine the circumstances under which this extension of authority may be granted.

A local board of education would be able to also enter joint agreements with the governing board of any county, with the consent of the sheriff, to extend the territorial jurisdiction of the campus police officers into the county's jurisdiction and determine the circumstances under which the extension of authority may be granted.

The subject matter jurisdiction of the campus police officers on property not owned or leased to the local board of education (but within the territorial jurisdictions established pursuant to the joint agreements with the municipality or county) would be limited to investigations or arrests that arise out of activities related to campus police officers' duties as employees of the local board of education.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** Charlotte Mecklenburg Schools currently has a Law Enforcement Division with 10 police officers who have obtained their police certification as reserve officers of the Charlotte Mecklenburg Police Department.

According to the Attorney General's office, there are about 8 school systems that have created a police force under the Company Police Act in Chapter 74E which have strict territorial jurisdictional limitations. Officers under the Company Police Act have authority on the real property of their

# House Bill 538

Page 2

employer unless they are in the continuous and immediate pursuit of a person for an offense committed on that real property.

G.S. 116-40.5 authorizes the Boards of Trustees of any constituent institution of The University of North Carolina, or of any teaching hospital affiliated with constituent institutions of The University of North Carolina, to establish a campus law enforcement agency and employ campus police officers.

Officers employed by campus law enforcement agencies under this section are required to comply with the requirements of the Criminal Justice Education and Training Standards Commission set out in Chapter 17C of the General Statutes and are constitutionally sworn law enforcement officers. The territorial jurisdiction of such officers includes the property owned and leased to the employing institution and the portions of any public road or highway passing through or immediately adjoining the property.

Boards of Trustees establishing campus law enforcement agencies may also enter into joint agreements with the governing boards of municipalities, counties, and any other constituent institution of The University of North Carolina to extend the law enforcement authority of campus police into those jurisdictions.

*H538-SMRQ-39(CSRQ-15) v5*



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1179**

A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A PAY EQUITY STUDY OF PUBLIC SCHOOL COUNSELOR COMPENSATION.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1179**

Short Title: Study Equity of School Counselor Compensation. (Public)

Sponsors: Representatives Bell; Glazier, Lucas, and Wainwright.

Referred to: Education, if favorable, Rules, Calendar, and Operations of the House.

April 8, 2009

- 1                                   A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A PAY  
3 EQUITY STUDY OF PUBLIC SCHOOL COUNSELOR COMPENSATION.  
4 The General Assembly of North Carolina enacts:  
5           **SECTION 1.** The State Board of Education, in consultation with the North  
6 Carolina School Counselor Association, shall review the employment conditions of public  
7 school counselors. In the course of the study, the Board shall consider:  
8           (1) The certification requirements for certified school counselors and how they  
9           compare to those of other like employees;  
10           (2) The salary classification of school counselors as compared to other  
11           employees with the same or similar certification requirements; and  
12           (3) The appropriate duties of school counselors, especially their role and duties  
13           with regard to various testing requirements.  
14           **SECTION 2.** The Board shall report the results of the study to the Joint Legislative  
15 Education Oversight Committee. The Committee shall make any recommendations it deems  
16 appropriate to the 2010 Regular Session of the 2009 General Assembly.  
17           **SECTION 3.** This act is effective when it becomes law.



New

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1179  
PROPOSED COMMITTEE SUBSTITUTE H1179-CSTC-28 [v.2]

4/21/2009 11:13:34 AM

Short Title: Study Equity of Sch. Counselor & Asst. Princ.

(Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A PAY  
EQUITY STUDY OF PUBLIC SCHOOL COUNSELOR AND ASSISTANT PRINCIPAL  
COMPENSATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education, in consultation with the North  
Carolina School Counselor Association, shall review the employment conditions of public  
school counselors. In the course of the study, the Board shall consider:

- (1) The certification requirements for certified school counselors and how they  
compare to those of other like employees;
- (2) The salary classification of school counselors as compared to other  
employees with the same or similar certification requirements; and
- (3) The appropriate duties of school counselors, especially their role and duties  
with regard to various testing requirements.

**SECTION 2.** The State Board of Education, in consultation with the North  
Carolina Principals and Assistant Principals Association and the North Carolina Association of  
Educators, shall review the employment conditions of assistant principals. In the course of the  
study, the Board shall consider:

- (1) The certification requirements for certified assistant principals and how they  
compare to those of other like employees;
- (2) The salary classification of assistant principals as compared to other  
employees with the same or similar certification requirements; and
- (3) The appropriate duties of assistant principals.

**SECTION 3.** The Board shall report the results of the studies to the Joint  
Legislative Education Oversight Committee on or before January 15, 2010. The Committee  
shall make any recommendations it deems appropriate to the 2010 Regular Session of the 2009  
General Assembly.

**SECTION 4.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1179  
PROPOSED COMMITTEE SUBSTITUTE H1179-CSTC-28 [v.1]**

4/20/2009 2:11:14 PM

Short Title: Study Equity of School Counselor Compensation.

(Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED  
AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A PAY  
EQUITY STUDY OF PUBLIC SCHOOL COUNSELOR COMPENSATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education, in consultation with the North Carolina School Counselor Association, shall review the employment conditions of public school counselors. In the course of the study, the Board shall consider:

- (1) The certification requirements for certified school counselors and how they compare to those of other like employees;
- (2) The salary classification of school counselors as compared to other employees with the same or similar certification requirements; and
- (3) The appropriate duties of school counselors, especially their role and duties with regard to various testing requirements.

**SECTION 2.** The Board shall report the results of the study to the Joint Legislative Education Oversight Committee on or before January 15, 2010. The Committee shall make any recommendations it deems appropriate to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 3.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1179  
PROPOSED COMMITTEE SUBSTITUTE H1179-PCS50565-TC-28**

**Short Title:** Study Equity of Sch. Counselor & Asst. Princ.

**(Public)**

**Sponsors:**

**Referred to:**

April 8, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO CONDUCT A PAY  
EQUITY STUDY OF PUBLIC SCHOOL COUNSELOR AND ASSISTANT PRINCIPAL  
COMPENSATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education, in consultation with the North Carolina School Counselor Association, shall review the employment conditions of public school counselors. In the course of the study, the Board shall consider:

- (1) The certification requirements for certified school counselors and how they compare to those of other like employees;
- (2) The salary classification of school counselors as compared to other employees with the same or similar certification requirements; and
- (3) The appropriate duties of school counselors, especially their role and duties with regard to various testing requirements.

**SECTION 2.** The State Board of Education, in consultation with the North Carolina Principals and Assistant Principals Association and the North Carolina Association of Educators, shall review the employment conditions of assistant principals. In the course of the study, the Board shall consider:

- (1) The certification requirements for certified assistant principals and how they compare to those of other like employees;
- (2) The salary classification of assistant principals as compared to other employees with the same or similar certification requirements; and
- (3) The appropriate duties of assistant principals.

**SECTION 3.** The Board shall report the results of the studies to the Joint Legislative Education Oversight Committee on or before January 15, 2010. The Committee shall make any recommendations it deems appropriate to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 4.** This act is effective when it becomes law.



\* H 1 1 7 9 - P C S 5 0 5 6 5 - T C - 2 8 \*



# HOUSE BILL 1179: Study Equity of School Counselor Compensation

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	April 21, 2009
<b>Introduced by:</b>	Rep. Bell	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H1179-CSTC-28		Committee Counsel

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**SUMMARY:** *HB 1179 would require the State Board of Education, in consultation with the North Carolina School Counselor Association, to review employment conditions of school counselors, and report the results of its study to the Joint Legislative Education Oversight Committee.*

*The PCS would add January 15, 2010 as the date for reporting of the State Board study to the Joint Legislative Education Oversight Committee.*

**BILL ANALYSIS:** HB 1179 would require the State Board of Education (State Board), in consultation with the North Carolina School Counselor Association, to review employment conditions of school counselors. The study must consider the following:

- Certification requirements for certified school counselors and how they compare to those of other like employees.
- Salary classification of school counselors as compared to other employees with the same or similar certification requirements.
- Appropriate duties of school counselors, especially with regards to testing requirements.

The PCS requires that the State Board must report the study results to the Joint Legislative Education Oversight Committee by January 15, 2010. The Joint Legislative Education Oversight Committee shall make any recommendations it deems appropriate to the 2010 Regular Session of the 2009 General Assembly.

**EFFECTIVE DATE:** HB 1179 would become effective when it becomes law.

**BACKGROUND:** The North Carolina School Counselor Job Description (QP-C-012) established by the State Board of Education provides that in order to be a licensed school counselor, an individual must complete an approved master's degree counselor education program in a regionally-accredited college or university. The job description identifies three major functions of the school counselor position: 1) development and management of a comprehensive school counseling program, 2) delivery of a comprehensive school counseling program (including guidance curriculum, individual student planning, preventive and responsive services, and system support), and 3) accountability. School counselors are assigned a salary on the appropriate classroom teacher salary schedule according to the class level of their license, experience level, and area of assignment.

H1179-SMTC-56(CSTC-28) v1





# HOUSE BILL 593: Change School Starting Date

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Commerce, Small Business, and Entrepreneurship	<b>Date:</b>	April 21, 2009
<b>Introduced by:</b>	Reps. Luebke, M. Alexander, England, Rapp	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 593 would change the school start date for students from no earlier than August 25 to no earlier than the second Monday in August.*

*House Bill 593 has a serial referral to Commerce, Small Business, and Entrepreneurship.*

**CURRENT LAW:** G.S. 115C-84.2(d) establishes the opening and closing dates for public schools. Except for year-round schools, the opening date for students must not be before August 25 and the closing date for students must not be after June 10. The State Board of Education may grant waivers from the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for:
  - a specific school to accommodate a special program offered generally to students in that school;
  - a school that primarily serves a special population of students; or
  - a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

**BILL ANALYSIS:** House Bill 593 would amend the school calendar law (G.S. 115C-84.2) by moving the school opening date for students to no earlier than the second Monday in August. This change would make the school opening date for students about two weeks earlier than the current no earlier than August 25 requirement.

**EFFECTIVE DATE:** This act would become effective when it becomes law and would apply beginning with the 2009-2010 school year.

**BACKGROUND:** Beginning in 1943, North Carolina statutes have required a 180 day public school year. Prior to 2004, local boards of education determined the opening and closing dates of the school year, with no dates specified in statute. S.L. 2004-180 amended the statute to establish August 25<sup>th</sup> as the earliest school start date and June 10<sup>th</sup> as the latest school closing date for students. The new law also allows the State Board of Education to grant waivers upon a showing of good cause or educational purpose by the local school administrative unit.

H593-SMSF-33(e1) v2



## Annual Unduplicated Count of High School Enrollment, 2006-07

	DUAL ENROLLED STUDENTS	HUSKINS BILL STUDENTS	EARLY COLLEGE	MIDDLE COLLEGE
Alamance CC	242	609		
Asheville-Buncombe TCC	700	999	119	31
Beaufort County CC	83	156		
Bladen CC	34	178		
Blue Ridge CC	239	117		
Brunswick CC	160		90	
Caldwell CC and TI	89	532	75	43
Cape Fear CC	65	721	52	
Carteret CC	97	81		
Catawba Valley CC	195	249	121	
Central Carolina CC	78	979	73	
Central Piedmont CC	365	672		
Cleveland CC	138	757		
Coastal Carolina CC	236	9		
College of the Albemarle	170	272		
Craven CC	114	104	51	
Davidson County CC	36	296	108	
Durham TCC	59	121		85
Edgecombe CC	101	474	119	
Fayetteville TCC	192	762		
Forsyth TCC	267	93		66
Gaston College	54	623		
Guilford TCC	104	8	37	78
Halifax CC	31	140		
Haywood CC	67	614	57	
Isothermal CC	105	333	76	
James Sprunt CC	25	267		
Johnston CC	20	1,609		104
Lenoir CC	212	106	47	
Martin CC	266	27		
Mayland CC	200	684		
McDowell TCC	31	95	33	
Mitchell CC	81	284	100	
Montgomery CC	92	73		

Nash CC	164	205	195	
Pamlico CC	42	98		
Piedmont CC	234	891		
Pitt CC	421	114		
Randolph CC	422	2	102	
Richmond CC	141			
Roanoke Chowan CC	31	109		
Robeson CC	12	10	90	
Rockingham CC	124	13		
Rowan-Cabarrus CC	68	399		
Sampson CC	257		119	
Sandhills CC	81	727	57	
Southeastern CC	157	97	55	
South Piedmont CC	61	195	152	
Southwestern CC	337	83	51	
Stanly CC	292	52	45	
Surry CC	146	280	82	
Tri-county CC	226	42	42	
Vance-Granville CC	200	453		
Wake TCC	116	164	99	
Wayne CC	212			66
Western Piedmont CC	174	5		36
Wilkes CC	350	346		
Wilson CC	20	36		
	9236	17365	2247	509

*Rep. Paul Stam*

## North Carolina County LEAs

### School District Calendars for 2004-05

Dates	NC School District
8/9-5/25	ALAMANCE-BURLINGTON
8/4-5/25	ALEXANDER COUNTY
8/5-5/27	ALLEGHANY COUNTY
8/4-5/24	ANSON COUNTY
8/11-no end date set	ASHE COUNTY
8/10-5/17	AVERY COUNTY
8/5 - 5/22	BEAUFORT COUNTY
8/9 - 5/26	BERTIE COUNTY
8/9 - ?	BLADEN COUNTY
8/18 - 6/3	BRUNSWICK COUNTY
8/9-5/27	BUNCOMBE COUNTY
8/9-5/26	BURKE COUNTY
8/9-5/25	CABARRUS COUNTY
8/5-5/27	CALDWELL COUNTY
Not Set Yet	CAMDEN COUNTY
8/9 - 5/25	CARTERET COUNTY
8/9-5/24	CASWELL COUNTY
8/3-5/27	CATAWBA COUNTY
8/9-5/23	CHATHAM COUNTY
8/9-5/23	CHEROKEE COUNTY
8/12-5/27	CLAY COUNTY
8/9-5/20	CLEVELAND COUNTY
8/18 - 6/2	COLUMBUS COUNTY
8/9 - 5/25	CRAVEN COUNTY
8/10 - 5/27	CUMBERLAND COUNTY

8/17 - 6/3	CURRITUCK COUNTY
8/17 - 6/3	DARE COUNTY
8/4-5/20	DAVIDSON COUNTY
8/9-5/20	DAVIE COUNTY
8/25 - 5/25	DUPLIN COUNTY
8/10 - 5/25	DURHAM COUNTY
8/5 - ?	EDENTON/CHOWAN
8/4 - 5/25	EDGECOMBE COUNTY
8/9-5/25	FORSYTH COUNTY
8/9 - 5/24	FRANKLIN COUNTY
8/3-5/20	GASTON COUNTY
8/4 - 5/24	GATES COUNTY
8/10-5/24	GRAHAM COUNTY
8/10 - 5/27	GRANVILLE COUNTY
8/5 - 5/26	GREENE COUNTY
8/11-5/26	GUILFORD COUNTY
8/9 - 5/19	HALIFAX COUNTY
8/4 - 5/19	HARNETT COUNTY
8/5-5/18	HAYWOOD COUNTY
8/5-5/24	HENDERSON COUNTY
8/9 - 5/26	HERTFORD COUNTY
8/4 - 5/24	HOKE COUNTY
8/9 - 5/23	HYDE COUNTY
8/9-5/25	IREDELL COUNTY
8/10-5/23	JACKSON COUNTY
8/9 - 5/25	JOHNSTON COUNTY
8/4 - 5/25	JONES COUNTY
8/4 - 5/25	LEE COUNTY
8/9 - 5/26	LENOIR COUNTY
8/5-5/26	LINCOLN COUNTY

8/5-6/3 & 8/5-5/25	MACON COUNTY
8/5-5/18*	MADISON COUNTY
8/4 - 5/20	MARTIN COUNTY
8/5-5/20	MCDOWELL COUNTY
8/16-6/7	MECKLENBURG COUNTY
8/4-5/16	MITCHELL COUNTY
8/5-5/26	MONTGOMERY COUNTY
8/11-5/26	MOORE COUNTY
8/9 - 5/25	NASH-ROCKY MOUNT
8/16 - 5/25	NEW HANOVER COUNTY
8/5 - ?	NORTHAMPTON COUNTY
8/3 - 5/20	ONSLOW COUNTY
8/10 - 5/27	ORANGE COUNTY
8/4 - 5/21	PAMLICO COUNTY
?	PASQUOTANK COUNTY
8/11 - 5/25	PENDER COUNTY
8/5 - ?	PERQUIMANS COUNTY
8/3 - 5/24	PERSON COUNTY
8/9 - 5/27	PITT COUNTY
8/9-5/27	POLK COUNTY
8/9-5/20	RANDOLPH COUNTY
8/4-5/24	RICHMOND COUNTY
8/4 - ?	ROBESON COUNTY
8/10-5/24	ROCKINGHAM COUNTY
8/4-5/24	ROWAN COUNTY
8/9-5/25	RUTHERFORD COUNTY
8/4 - 5/20	SAMPSON COUNTY
8/3-5/24	SCOTLAND COUNTY
8/5-5/25	STANLY COUNTY
8/2-5/25	STOKES COUNTY

8/10-5/26	SURRY COUNTY
8/6-5/18	SWAIN COUNTY
8/5-5/26	TRANSYLVANIA COUNTY
8/9 - 5/26	TYRRELL COUNTY
8/4-5/25	UNION COUNTY
Not decided yet	VANCE COUNTY
8/10 - 5/25	WAKE COUNTY
8/9 - 5/25	WARREN COUNTY
8/4 - 5/25	WASHINGTON COUNTY
8/12-5/23	WATAUGA COUNTY
8/3 - 5/25	WAYNE COUNTY
8/5-5/27	WILKES COUNTY
8/4 - 5/25	WILSON COUNTY
8/9-5/24	YADKIN COUNTY
8/4-5/17	YANCEY COUNTY

\*Tentative

# **EDUCATION COMMITTEE 2009**

April 21, 2009

## **HOUSE PAGES- TARHEEL CHALLENGE**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Christopher Patterson</b>	<b>Sampson</b>	<b>Speaker Hackney</b>
<b>Austin Doggett</b>	<b>Sampson</b>	<b>Speaker Hackney</b>

## **SGT-AT-ARMS**

**JOHN BRANDON**

**MARVIN LEE**

**MARTHA PARRISH**

**TREY RILEY**

**JUDY TURNER**

## **LEGISLATIVE ASSISTANTS**

**THELMA UTLEY**

**CAROLYN EDWARDS**

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
April 21, 2009

The House Committee on Education met at 6:00 p.m. on Tuesday, April 21, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, and Parmon;; **Members:** Avila, Blackwell, Blackwood, Bordsen, Bryant, Cleveland, Dickson, Dollar, England, B. Floyd, E. Floyd, Glazier, Wade-Goodwin, Hall, Hilton, Hurley, Insko, Jackson, Johnson, McElraft, McLawhorn, Rapp, Stam, Stewart, Tarleton, Tillis, Tolson, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting back to order and the agenda was presented and the following bill was before the committee for continued debate from the audience.

**HB 593 - A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL STARTING DATE FOR STUDENTS.**

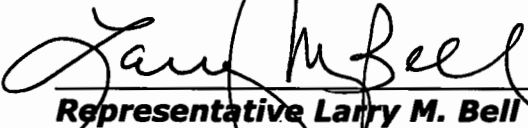
**Representative Luebke** explained that by moving the school opening date for students to no earlier than the second Monday in August, the semester could end before the Christmas holidays. This change would make the school opening date for students about two weeks earlier than the current - no earlier than August 25 requirement.

HB593 was given a favorable report and recommendation that the bill be re-referred to the Committee on Commerce, Small Business, and Entrepreneurship by **Representative Lucas**.

**Chairman Bell** adjourned the meeting at 6:30 p. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, April 21, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 538	Char/Meck School Board Police.	Representative Cotham Representative Tillis Representative Mackey
HB 1470	Study Length of School Lunch Period.	Representative Yongue Representative Jeffus Representative Glazier
HB 1471	Counties & Schools Share P. E. Equipment.	Representative Yongue Representative Bell Representative McLawhorn
HB 593	Change School Starting Date.	Representative Luebke Representative M. Alexander Representative England Representative Rapp
HB 1179	Study Equity of School Counselor Compensation.	Representative Bell

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:00 o'clock on **April 15, 2009**.

X Principal Clerk  
X Reading Clerk – House Chamber  
**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Enola Lineberger	private citizen 26 Royal County Down Pinehurst NC 28374
John Davis	Public School for an
Michael Hutson	MWC
Lu Ann C. Pym	CTA
John Hill	MWC
Matt Farrell	TPG
Conor Brickett	NCSBA
Donna Maxner	CMS
Wm. M. Searell	NCICU
W. H. Thorne	VRPPPTA
Gene Causeby	NCSMA

# VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**04-21-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Lynn Marshbanks	3404 English Circle, Willow Spring
Bud Cesena	CMS LAW ENFORCEMENT
Lynn Bonner	NRE/Chawo
Amy McCauley	Smith Anderson
Jim HARRIS	HANC
<del>Michael T. Smith</del>	NCACC
<del>Col. V. H.</del>	Gov's Page
Heather Mims	Gov's Page
Hailey Cleverger	Gov's Page
Tiffany Simon	Gov's Page
Quynha Petersen	Gov's Page

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Katherine Joyce Evelyn Handman	NCASA POWC, CISNC
Chris Minard	State Bd of Ed.
EMILY DOYLE	NCPAPA
LOUISE LEE	SAVE OUR SUMMERS - NC
DAVID LEE	" " " - NC
Amy Scholder	MWC
Jeff Brown	NC FOR
SEAN FINSEL	CUCA
Jon Carr	NC Restaurant + Lodging Assoc.
David Haskins	Smoky Mt. Host

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**

Connie Wilson

NCT 1A

[illegible]

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

04-21-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Destiny Bullock

GOV's Page

John [Signature]

KMC

Susan Farmer

WCTBS

# HB 593 - CHANGE SCHOOL STARTING DATE

## SPEAKERS

### PRO

SHERI STRICKLAND

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### CON

ENOLA LINEBERGER

CONNIE WILSON

DAVID LEE

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**April 21, 2009  
11:00 A.M.  
Room 643 LOB**

**Representative Bell  
Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

**HB 1470 Study Length of School Lunch  
Period.**

**Representative Yongue  
Representative Jeffus  
Representative Glazier**

**HB 1471 Counties & Schools Share P. E.  
Equipment.**

**Representative Yongue  
Representative Bell  
Representative McLawhorn**

**HB 593 Change School Starting Date.**

**Representative Luebke  
Representative M. Alexander  
Representative England  
Representative Rapp**

**HB 538 Char/Meck School Board Police.**

**Representative Cotham  
Representative Tillis  
Representative Mackey**

**HB 1179 Study Equity of School Counselor  
Compensation.**

**Representative Bell**

### **ADJOURNMENT**



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 593** A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL STARTING  
DATE FOR STUDENTS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
COMMERCE, SMALL BUSINESS, AND ENTREPRENEURSHIP.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 593**

Short Title:	Change School Starting Date.	(Public)
Sponsors:	Representatives Luebke, M. Alexander, England, Rapp (Primary Sponsors); Carney, Fisher, Goforth, Hall, Harrison, Insko, R. Warren, and Weiss.	
Referred to:	Education, if favorable, Commerce, Small Business, and Entrepreneurship.	

March 16, 2009

A BILL TO BE ENTITLED  
AN ACT TO CHANGE THE SCHOOL STARTING DATE FOR STUDENTS.  
The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-84.2(d) reads as rewritten:

"(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before ~~August 25, and the second Monday in August;~~ the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

The State Board also may waive this requirement for an educational purpose. The term "educational purpose" means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.





## HOUSE BILL 593: Change School Starting Date

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Commerce, Small Business, and Entrepreneurship	<b>Date:</b>	April 21, 2009
<b>Introduced by:</b>	Reps. Luebke, M. Alexander, England, Rapp	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 593 would change the school start date for students from no earlier than August 25 to no earlier than the second Monday in August.*

*House Bill 593 has a serial referral to Commerce, Small Business, and Entrepreneurship.*

**CURRENT LAW:** G.S. 115C-84.2(d) establishes the opening and closing dates for public schools. Except for year-round schools, the opening date for students must not be before August 25 and the closing date for students must not be after June 10. The State Board of Education may grant waivers from the August 25 and June 10 opening and closing dates for the following reasons:

- A showing of good cause. "Good cause" means schools in the local school administrative unit have been closed 8 days per year during any 4 of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.
- An educational purpose. "Educational purpose" means that a local school administrative unit establishes a need to adopt a different calendar for:
  - a specific school to accommodate a special program offered generally to students in that school;
  - a school that primarily serves a special population of students; or
  - a defined program within a school.

The State Board may grant the waiver for an educational purpose to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the August 25 and June 10 opening and closing dates. The law prohibits the use of a waiver request for an educational purpose to accommodate system-wide class scheduling preferences.

**BILL ANALYSIS:** House Bill 593 would amend the school calendar law (G.S. 115C-84.2) by moving the school opening date for students to no earlier than the second Monday in August. This change would make the school opening date for students about two weeks earlier than the current no earlier than August 25 requirement.

**EFFECTIVE DATE:** This act would become effective when it becomes law and would apply beginning with the 2009-2010 school year.

**BACKGROUND:** Beginning in 1943, North Carolina statutes have required a 180 day public school year. Prior to 2004, local boards of education determined the opening and closing dates of the school year, with no dates specified in statute. S.L. 2004-180 amended the statute to establish August 25<sup>th</sup> as the earliest school start date and June 10<sup>th</sup> as the latest school closing date for students. The new law also allows the State Board of Education to grant waivers upon a showing of good cause or educational purpose by the local school administrative unit.

1593-SMSF-33(e1) v2

## Annual Unduplicated Count of High School Enrollment, 2006-07

	DUAL ENROLLED STUDENTS	HUSKINS BILL STUDENTS	EARLY COLLEGE	MIDDLE COLLEGE
Alamance CC	242	609		
Asheville-Buncombe TCC	700	999	119	31
Beaufort County CC	83	156		
Bladen CC	34	178		
Blue Ridge CC	239	117		
Brunswick CC	160		90	
Caldwell CC and TI	89	532	75	43
Cape Fear CC	65	721	52	
Carteret CC	97	81		
Catawba Valley CC	195	249	121	
Central Carolina CC	78	979	73	
Central Piedmont CC	365	672		
Cleveland CC	138	757		
Coastal Carolina CC	236	9		
College of the Albemarle	170	272		
Craven CC	114	104	51	
Davidson County CC	36	296	108	
Durham TCC	59	121		85
Edgecombe CC	101	474	119	
Fayetteville TCC	192	762		
Forsyth TCC	267	93		66
Gaston College	54	623		
Guilford TCC	104	8	37	78
Halifax CC	31	140		
Haywood CC	67	614	57	
Isothermal CC	105	333	76	
James Sprunt CC	25	267		
Johnston CC	20	1,609		104
Lenoir CC	212	106	47	
Martin CC	266	27		
Mayland CC	200	684		
McDowell TCC	31	95	33	
Mitchell CC	81	284	100	
Montgomery CC	92	73		

Nash CC	164	205	195	
Pamlico CC	42	98		
Piedmont CC	234	891		
Pitt CC	421	114		
Randolph CC	422	2	102	
Richmond CC	141			
Roanoke Chowan CC	31	109		
Robeson CC	12	10	90	
Rockingham CC	124	13		
Rowan-Cabarrus CC	68	399		
Sampson CC	257		119	
Sandhills CC	81	727	57	
Southeastern CC	157	97	55	
South Piedmont CC	61	195	152	
Southwestern CC	337	83	51	
Stanly CC	292	52	45	
Surry CC	146	280	82	
Tri-county CC	226	42	42	
Vance-Granville CC	200	453		
Wake TCC	116	164	99	
Wayne CC	212			66
Western Piedmont CC	174	5		36
Wilkes CC	350	346		
Wilson CC	20	36		

9236

17365

2247

509

*Rep Paul Stern*

## North Carolina County LEAs

### School District Calendars for 2004-05

Dates	NC School District
8/9-5/25	ALAMANCE-BURLINGTON
8/4-5/25	ALEXANDER COUNTY
8/5-5/27	ALLEGHANY COUNTY
8/4-5/24	ANSON COUNTY
8/11-no end date set	ASHE COUNTY
8/10-5/17	AVERY COUNTY
8/5 - 5/22	BEAUFORT COUNTY
8/9 - 5/26	BERTIE COUNTY
8/9 - ?	BLADEN COUNTY
8/18 - 6/3	BRUNSWICK COUNTY
8/9-5/27	BUNCOMBE COUNTY
8/9-5/26	BURKE COUNTY
8/9-5/25	CABARRUS COUNTY
8/5-5/27	CALDWELL COUNTY
Not Set Yet	CAMDEN COUNTY
8/9 - 5/25	CARTERET COUNTY
8/9-5/24	CASWELL COUNTY
8/3-5/27	CATAWBA COUNTY
8/9-5/23	CHATHAM COUNTY
8/9-5/23	CHEROKEE COUNTY
8/12-5/27	CLAY COUNTY
8/9-5/20	CLEVELAND COUNTY
8/18 - 6/2	COLUMBUS COUNTY
8/9 - 5/25	CRAVEN COUNTY
8/10 - 5/27	CUMBERLAND COUNTY

8/17 - 6/3	CURRITUCK COUNTY
8/17 - 6/3	DARE COUNTY
8/4-5/20	DAVIDSON COUNTY
8/9-5/20	DAVIE COUNTY
8/25 - 5/25	DUPLIN COUNTY
8/10 - 5/25	DURHAM COUNTY
8/5 - ?	EDENTON/CHOWAN
8/4 - 5/25	EDGECOMBE COUNTY
8/9-5/25	FORSYTH COUNTY
8/9 - 5/24	FRANKLIN COUNTY
8/3-5/20	GASTON COUNTY
8/4 - 5/24	GATES COUNTY
8/10-5/24	GRAHAM COUNTY
8/10 - 5/27	GRANVILLE COUNTY
8/5 - 5/26	GREENE COUNTY
8/11-5/26	GUILFORD COUNTY
8/9 - 5/19	HALIFAX COUNTY
8/4 - 5/19	HARNETT COUNTY
8/5-5/18	HAYWOOD COUNTY
8/5-5/24	HENDERSON COUNTY
8/9 - 5/26	HERTFORD COUNTY
8/4 - 5/24	HOKE COUNTY
8/9 - 5/23	HYDE COUNTY
8/9-5/25	IREDELL COUNTY
8/10-5/23	JACKSON COUNTY
8/9 - 5/25	JOHNSTON COUNTY
8/4 - 5/25	JONES COUNTY
8/4 - 5/25	LEE COUNTY
8/9 - 5/26	LENOIR COUNTY
8/5-5/26	LINCOLN COUNTY

8/5-6/3 & 8/5-5/25	MACON COUNTY
8/5-5/18*	MADISON COUNTY
8/4 - 5/20	MARTIN COUNTY
8/5-5/20	MCDOWELL COUNTY
8/16-6/7	MECKLENBURG COUNTY
8/4-5/16	MITCHELL COUNTY
8/5-5/26	MONTGOMERY COUNTY
8/11-5/26	MOORE COUNTY
8/9 - 5/25	NASH-ROCKY MOUNT
8/16 - 5/25	NEW HANOVER COUNTY
8/5 - ?	NORTHAMPTON COUNTY
8/3 - 5/20	ONSLOW COUNTY
8/10 - 5/27	ORANGE COUNTY
8/4 - 5/21	PAMLICO COUNTY
?	PASQUOTANK COUNTY
8/11 - 5/25	PENDER COUNTY
8/5 - ?	PERQUIMANS COUNTY
8/3 - 5/24	PERSON COUNTY
8/9 - 5/27	PITT COUNTY
8/9-5/27	POLK COUNTY
8/9-5/20	RANDOLPH COUNTY
8/4-5/24	RICHMOND COUNTY
8/4 - ?	ROBESON COUNTY
8/10-5/24	ROCKINGHAM COUNTY
8/4-5/24	ROWAN COUNTY
8/9-5/25	RUTHERFORD COUNTY
8/4 - 5/20	SAMPSON COUNTY
8/3-5/24	SCOTLAND COUNTY
8/5-5/25	STANLY COUNTY
8/2-5/25	STOKES COUNTY



8/10-5/26	SURRY COUNTY
8/6-5/18	SWAIN COUNTY
8/5-5/26	TRANSYLVANIA COUNTY
8/9 - 5/26	TYRRELL COUNTY
8/4-5/25	UNION COUNTY
Not decided yet	VANCE COUNTY
8/10 - 5/25	WAKE COUNTY
8/9 - 5/25	WARREN COUNTY
8/4 - 5/25	WASHINGTON COUNTY
8/12-5/23	WATAUGA COUNTY
8/3 - 5/25	WAYNE COUNTY
8/5-5/27	WILKES COUNTY
8/4 - 5/25	WILSON COUNTY
8/9-5/24	YADKIN COUNTY
8/4-5/17	YANCEY COUNTY

\*Tentative

# **EDUCATION COMMITTEE 2009**

**April 21, 2009**

## **SGT-AT-ARMS**

**John Brandon**

**Marvin Lee**

**Martha Parrish**

**Trey Riley**

**Judy Turner**

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, April 28, 2009**

**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

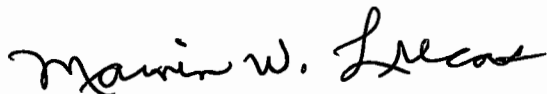
**HB 1078 Report School Violence to LEA Office – Representative Wiley was called on to explain the bill. There were questions/comments by several members. Representative Cleveland offered a motion for a favorable report and the bill be re-referred to the Committee on Judiciary III. The Committee concurred and the motion passes.**

**HB 1089 Study Social Workers in Schools – Representative Jeffus was called on to explain the bill. There were questions/comments by several members. Representative Womble moved for a favorable report and recommended the bill be re-referred to the Committee on Rules, Calendar, and Operations of the House. The Committee concurred and the motion passes.**

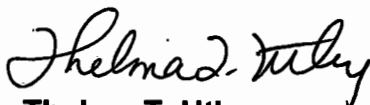
**HB 900 Nutrition Stds./All Foods Sold at School – There is a proposed committee substitute. Representative Tarleton moves that the PCS is properly before the Committee. Representative Insko was called on to explain the bill. Representative Womble moves for a favorable report to PCS #2, unfavorable to the PCS #1 and recommends the PCS #2 be re-referred to the Committee on Rules, Calendar, and Operations of the House. The Committee concurs and the motion passes.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas**  
**Chair**



**Thelma T. Utley**  
**Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, April 28, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 899	Limit Foods in School Vending Machines.	Representative Insko
HB 900	Nutrition Stds./All Foods Sold at School.	Representative Insko Representative Wiley
HB 1054	Safer Schools.	Representative Blue
HB 1078	Report School Violence to LEA Office.	Representative Wiley Representative Lucas Representative Blackwell Representative Mills
HB 1089	Study Social Workers in Schools.	Representative Jeffus

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10 o'clock on **April 22, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

## VISITOR REGISTRATION SHEET

EDUCATION

04/28/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Michael Hutson	MWC
Emily Doyle	NCPAPA
Danielle Woodall	NC School Social Wkrs Assoc.
Wm. Best	PP
Rud Reeburns	MC NC / NC STEM
TINA GORDON	NC Nurses Assoc
Mark Ezell	HWT
Cameron Graham	HWT
Joanne Stevens	Stevens
Conn Cour	BPMILV

# VISITOR REGISTRATION SHEET

EDUCATION

04/28/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Lynn Hoggard	NCDP 1
Betsy Lett	AAA
Karen Lane	NBROS
Brenda Monforti	ECAC (Raleigh office)
Dick (x) km	AT&T
John Luciano	NCS
John Walston	GA10-DOA
An Mallock	Governor's
Linda Duda	NCAE
Shera Ren	IOG
Henry Williams	N.C.B.A.
Buach Ginnell	NCBA

# VISITOR REGISTRATION SHEET

EDUCATION

04/28/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rebecca Cavari	Governor's Page
Charity Cavari	Governor's Page
Nicole Carroll	Governor's Page
Carly Abney	Governor's Page
Anderson Aiden	Governor's Page
KATHA Roland	Governor's Page
Sarah Dumas	Governor's Page
Andrew Brown	Governor's Page
Alex Harshberger	Gov. Page
Sim Stegall	U.C.P.S.
Paul /in	Pland Pined

# VISITOR REGISTRATION SHEET

## EDUCATION

04/28/2009

**Name of Committee****Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Kevin Leonard

WESR

Marvin Tott

UNWASQ

Jim Allen

ONWARD

Bill Brooks

NCFFPC

Dwaine Boyd

Rep. Adams

Elizabeth Oniz

Environmet NC



**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, April 28, 2009**  
**Room 643 LOB**

**Representative Marvin W. Lucas**  
**Presiding Chair**

Call to Order

Welcome/Introductions

Bills to be considered:

HB 1078 Report School Violence to LEA Office –  
Reps. Wiley, Lucas, Blackwell, Mills

HB 1089 Study Social Workers in Schools – Rep. Jeffus

HB 900 Nutrition Stds./All Food Sold at School –  
Reps. Insko and Wiley

Adjournment

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ Committee Substitute for

**HB 900**

A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2010 SCHOOL YEAR.

☒ With a favorable report as to Committee Substitute Bill 2, unfavorable as to Committee Substitute Bill 1.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 900  
Committee Substitute Favorable 4/13/09  
PROPOSED COMMITTEE SUBSTITUTE H900-CSRJ-15 [v.3]

4/27/2009 8:45:41 PM

Short Title: Nutrition Stds./All Foods Sold at School.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2010 SCHOOL YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-264.3 reads as rewritten:

"§ 115C-264.3. **Child Nutrition Program standards.**

(a) The State Board of Education, in direct consultation with a cross section of local directors of child nutrition services, shall establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units. The nutrition standards will promote gradual changes to increase fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education shall be implemented initially in elementary schools. All elementary schools shall achieve a basic level by the end of the 2009-2010 school year, followed by middle schools and then high schools.

(b) The State Board of Education shall examine the standards on an annual basis and make modifications that reflect current products in the marketplace, best practices in the industry, and science-based evidence as reflected in the most current edition of the Dietary Guidelines for Americans, published by the United States Department of Health and Human Services.

SECTION 2. G.S. 115C-264.2 reads as rewritten:

"§ 115C-264.2. ~~Vending machine sales.~~ **Other foods and beverages sold on campus during the instructional day.**

(a) Each school may, with the approval of the local board of education, sell to students beverages in vending machines during the school day so long as:



\* H 9 0 0 - C S R J - 1 5 - V - 3 \*

- (1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program;
- (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, are not offered for sale in middle schools;
- (3) Not more than fifty percent (50%) of the offerings for sale to students in high schools are sugared carbonated soft drinks;
- (4) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; and
- (5) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.

(c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack vending is available to students, and in middle and high schools, seventy-five percent (75%) of snack vending products have not more than 200 calories per portion or snack vending package.

(d1) School stores, snack bars, fund-raisers, vending machine sales, and other informal food sales to students on the school campus during the instructional day with the exception of child nutrition programs, culinary programs, and extracurricular events shall, by school year 2010-2011, meet the most current edition of the Dietary Guidelines for Americans, published by the United States Department of Health and Human Services. For purposes of this subsection, the term "instructional day" shall be defined by the local board of education."

**SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

2

HOUSE BILL 900  
Committee Substitute Favorable 4/13/09

Short Title: Nutrition Stds./All Foods Sold at School.

(Public)

Sponsors:

Referred to:

March 31, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW  
3 NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY  
4 THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION  
5 PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE  
6 OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE  
7 INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2010 SCHOOL  
8 YEAR.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 115C-264.3 reads as rewritten:

11 "§ 115C-264.3. Child Nutrition Program standards.

12 (a) The State Board of Education, in direct consultation with a cross section of local  
13 directors of child nutrition services, shall establish statewide nutrition standards for school  
14 meals, a la carte foods and beverages, and items served in the After School Snack Program  
15 administered by the Department of Public Instruction and child nutrition programs of local  
16 school administrative units. The nutrition standards will promote gradual changes to increase  
17 fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans  
18 fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education  
19 shall be implemented initially in elementary schools. All elementary schools shall achieve a  
20 basic level by the end of the 2009-2010 school year, followed by middle schools and then high  
21 schools.

22 (b) The State Board of Education shall examine the standards on an annual basis and  
23 make modifications that reflect current products in the marketplace, best practices in the  
24 industry, and science-based evidence as reflected in the Dietary Guidelines for Americans,  
25 published by the United States Department of Health and Human Services."

26 SECTION 2. G.S. 115C-264.2 reads as rewritten:

27 "§ 115C-264.2. Vending machine sales, and other foods sold on campus during the  
28 instructional day.

29 (a) Each school may, with the approval of the local board of education, sell to students  
30 beverages in vending machines during the school day so long as:

- 31 (1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at  
32 elementary schools, or (iii) contrary to the requirements of the National  
33 School Lunch Program;  
34 (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft  
35 drinks, are not offered for sale in middle schools;  
36 (3) Not more than fifty percent (50%) of the offerings for sale to students in  
37 high schools are sugared carbonated soft drinks;



\* H 9 0 0 - V - 2 \*

(4) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; and

(5) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.

(c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack vending is available to students, and in middle and high schools, seventy-five percent (75%) of snack vending products have not more than 200 calories per portion or snack vending package.

(d1) School stores, snack bars, fund-raisers, and other food sale operations on the school campus during the instructional day shall, by school year 2010-2011, meet the Proficient Level of the NC Eat Smart Nutrition Standards."

**SECTION 3.** This act is effective when it becomes law.



# HOUSE BILL 900: Nutrition Stds./All Foods Sold at School

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Insko, Wiley  
**Analysis of:** PCS to Second Edition  
H900-CSRJ-15

**Date:** April 27, 2009  
**Prepared by:** Sara Kamprath\*  
Legislative Analyst

**SUMMARY:** *The Second Edition of House Bill 900 directs the State Board of Education to annually review its nutritional standards for the child nutrition programs of local school administrative units and make necessary modification and adjustments to reflect current products in the market place and best practices. The Proposed Committee Substitute for the Second Edition clarifies that the most current edition of the Dietary Guidelines for Americans is used when modifications are made.*

*The bill requires that foods and beverages sold in school stores, snack bars, fund-raisers and other food sale operations on campus during instructional hours meet the same nutritional standards required for school-operated vending machines. The Proposed Committee Substitute (PCS) for the Second Edition adds vending machine sales and other informal food sales to the list of items that have to meet the required standards. The PCS for the Second Edition also changes the standards that have to be met from the Proficient Level of the NC Eat Smart Nutrition Standards to the most current edition of the Dietary Guidelines for Americans. The PCS for the Second Edition also exempts the child nutrition programs, culinary programs and extracurricular events from having to meet the new standards. The PCS for the Second Edition also amends the catch line for G.S. 115C-264.2 and adds language that the local board of education shall define "instructional day" as used in G.S. 115C-264.2.*

## CURRENT LAW:

G.S. 115C-264.3 directs the State Board of Education to establish nutrition standards that gradually increase the amounts of fruits, vegetables, and whole grain products in available items for school meals, a la carte foods and beverages, and the After School Snack Program. At the same time the standards are to promote a decrease in items high in total fat, trans fat, saturated fat, and sugar. The nutrition standards shall be implemented first in the elementary schools. After the elementary schools have achieved the basic level by the end of the 2009-2010 school year, middle schools followed by high schools shall then proceed to achieve a basic level.

G.S. 115C-264.2 allows for schools to sell snacks and beverages to students, with the following guidelines:

Beverages (guidelines apply during the school day, and schools are authorized to adopt stricter beverage vending policies if they choose):

- Soft drinks cannot be sold during the breakfast and lunch periods.
- Soft drinks cannot be sold contrary to the requirements of the National School Lunch Program.
- Soft drinks cannot be sold at elementary schools.
- Sugared carbonated soft drinks may not be sold in a middle school.

# House Bill 900

Page 2

- Sugared carbonated soft drinks in high school are limited to a maximum of 50% of the offerings.
- Diet carbonated soft drinks are not in the same category as sugared carbonated soft drinks.
- Bottled water products must be available in all schools that have beverage vending.

G.S. 115C-264.2 addresses snack vending as follows:

- No snack vending available to students in elementary schools.
- 75% of the snack vending products available in middle and high schools will have no more than 200 calories per portion or package.

## BILL ANALYSIS:

The PCS for the Second Edition of House Bill 900 directs the State Board of Education, on an annual basis, to review the nutritional standards established under the provisions of G.S. 115C-264.3 and to make necessary modifications that reflect current products in the market place, best practices in the industry, and science-based evidence published by the United State Department of Health and Human Services in the most current edition of the Dietary Guidelines for Americans.

The PCS for the Second Edition of House Bill 900 requires school stores, snack bars, fund-raisers, vending machine sales and other informal food sales to students on the school campus during the instructional day to meet the most current edition of the Dietary Guidelines for Americans by the 2010-2011 school year. The child nutrition programs, culinary programs, and extracurricular events shall be exempt from the requirement. The local board of education shall define the term 'instructional day'.

**EFFECTIVE DATE:** This act is effective when it becomes law.

**BACKGROUND:** House Bill 900 is a recommendation from the January 15, 2009 Task Force on Preventing Childhood Obesity report to the Joint Legislative Education Oversight Committee.

*\* Shawn Parker, Legislative Analyst and Ben Popkin, Committee Counsel contributed to this summary.*

*H900-SMRJ-41(CSRJ-15) v2*



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1078**

A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ACTS OF  
VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE  
SUPERINTENDENT'S DESIGNEE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on

\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

H

1

**HOUSE BILL 1078**

Short Title: Report School Violence to LEA Office. (Public)

Sponsors: Representatives Wiley, Lucas, Blackwell, Mills (Primary Sponsors); Adams, Avila, Bell, Blackwood, Blust, Burr, Cleveland, Cotham, Current, Faison, E. Floyd, Glazier, Guice, Gulley, Hall, Harrison, Holloway, Hurley, Insko, Jeffus, Johnson, Jones, Killian, Langdon, Mackey, McLawhorn, Parmon, Rapp, Starnes, Tillis, Wilkins, and Yongue.

Referred to: Education, if favorable, Judiciary III.

April 6, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO  
3 THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. G.S. 115C-288(g) reads as rewritten:  
6 "(g) To Report Certain Acts to Law Enforcement. – When the principal has personal  
7 knowledge or actual notice from school personnel that an act has occurred on school property  
8 involving assault resulting in serious personal injury, sexual assault, sexual offense, rape,  
9 kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession  
10 of a firearm in violation of the law, possession of a weapon in violation of the law, or  
11 possession of a controlled substance in violation of the law, the principal shall immediately  
12 report the act to the appropriate local law enforcement agency. Failure to report under this  
13 subsection is a Class 3 misdemeanor. For purposes of this subsection, "school property" shall  
14 include any public school building, bus, public school campus, grounds, recreational area, or  
15 athletic field, in the charge of the principal. ~~It is the intent of the General Assembly that the~~  
16 ~~principal notify the superintendent and the superintendent notify the local board of any report~~  
17 ~~made to law enforcement under this subsection.~~  
18 Within two business days of making the report to law enforcement under this subsection,  
19 the principal shall notify the superintendent or the superintendent's designee in writing or by  
20 electronic mail. The superintendent shall provide the information to the local board."  
21 SECTION 2. This act is effective when it becomes law.





# HOUSE BILL 1078: Report School Violence to LEA Office

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Judiciary III	<b>Date:</b>	April 28, 2009
<b>Introduced by:</b>	Reps. Wiley, Lucas, Blackwell, Mills	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *HB 1078 would require a principal to notify the superintendent in writing or by electronic mail within two business days of reports made to law enforcement of certain criminal acts.*

**CURRENT LAW:** G.S. 115C-288(g) requires that if a principal has personal knowledge or has received actual notice from school personnel that certain acts have occurred on school property, the principal must immediately make a report to the appropriate local law enforcement agency. These acts are: assault resulting in serious personal injury; sexual assault; sexual offense; rape; kidnapping; indecent liberties with a minor; assault involving the use of a weapon; or possession of a firearm, weapon, or controlled substance in violation of the law. Failure to report any of these is a Class 3 misdemeanor. The statute states that "it is the intent of the General Assembly" that the principal notify the superintendent, who then notifies the local board of education of any report made to law enforcement by the principal.

School property includes "any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal."

The Safe Schools Program Guidelines (Policy SS-A-000) developed by the State Board of Education also require principals to complete a supplemental School Crime and Violence Incident Record for each reportable incident. These records and a year-long summary of all reportable incidents must be submitted to the central office for submission to the State Board of Education by June 30 of each year. In addition to the crimes which must be reported under G.S. 115C-288(g), the policy requires principals to report to local law enforcement on the following acts occurring on school property: assault on school officials, employees, and volunteers; homicide, including murder, manslaughter, and death by vehicle; robbery; robbery with a dangerous weapon; unlawful, underage sales, purchase, provision, possession, or consumption of alcoholic beverages; making bomb threats or engaging in bomb hoaxes; possession of explosives or abetting a minor to possess explosives; and willfully burning a public school.

**BILL ANALYSIS:** HB 1078 would eliminate language in G.S. 115C-288(g) stating that it is the intent of the General Assembly that principals notify superintendents, and superintendents notify local boards, of any report made to law enforcement. New language would be added requiring that, within 2 business days of making a report to law enforcement, principals must notify the superintendent or superintendent's designee in writing or by electronic mail of the report. Superintendents would be required to provide the information to the local board.

**EFFECTIVE DATE:** HB 1078 would become effective when it becomes law.

**BACKGROUND:** Under G.S. 115C-12(21), the State Board of Education is required "to monitor and compile an annual report on acts of violence in the public schools." It also must adopt standard definitions for acts of school violence and require local boards of education to report the acts of school violence to the State Board. G.S. 115C-47(36) is the correlating mandate for the local boards of education to make the report to the State Board of Education.

S.L. 2008-56, Section 5 (SB 1358 - Street Gang/Prevention and Intervention), required a one time report to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and the Joint Legislative Education Oversight Committee which had to include the prevalence of school violence and gang activity and effective practices for reducing school violence and gang activity.

Finally, the State Board of Education is also required to report annually to the Joint Legislative Education Oversight Committee on the number of students that have been suspended or expelled. G.S. 115C-12(27).

*H1078-SMTC-58(e1) v3*

*This summary was substantially contributed to by Drupti Chauhan, Committee Counsel.*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1089**

A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT  
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ALL ASPECTS OF  
THE PRACTICE OF SCHOOL SOCIAL WORK IN NORTH CAROLINA.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1089**

Short Title:	Study Social Workers in Schools.	(Public)
Sponsors:	Representatives Jeffus; Farmer-Butterfield, Harrison, Hughes, Lucas, Parmon, and Rapp.	
Referred to:	Education, if favorable, Rules, Calendar, and Operations of the House.	

April 7, 2009

A BILL TO BE ENTITLED  
AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE TO STUDY ALL ASPECTS OF THE PRACTICE OF SCHOOL SOCIAL  
WORK IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Education Oversight Committee shall study all aspects of the practice of school social work in North Carolina. The Committee shall focus on:

- (1) The ratio of students to social work staff members;
- (2) The Department of Public Instruction's licensure requirements for school social workers;
- (3) How counties and local school administrative units make decisions about hiring social work staff;
- (4) The role of regional licensing bodies in comparison to that of the Department of Public Instruction;
- (5) The need to create consistency in licensure with regard to education to ensure that only degreed social workers become licensed;
- (6) The role of school social work in the Department of Public Instruction and the need for a dedicated staff member within the Department to oversee the practice; and
- (7) Any other issues the Committee deems relevant.

The Committee shall report the results of the study to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 2.** This act is effective when it becomes law.



\* H 1 0 8 9 - V - 1 \*



# HOUSE BILL 1089: Study Social Workers in Schools

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	April 28, 2009
<b>Introduced by:</b>	Rep. Jeffus	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	First Edition		Legislative Analyst

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**SUMMARY:** *House Bill 1089 would direct the Joint Legislative Education Oversight Committee to study the practice of school social work.*

*House Bill 1089 has a serial referral to Rules.*

**BILL ANALYSIS:** The Joint Legislative Education Oversight Committee would study all aspects of the practice of school social work in North Carolina, especially focusing on the following:

- The ratio of students to social work staff members;
- The Department of Public Instruction's (DPI) licensure requirements for school social work;
- Local board processes for hiring school social workers;
- The role of regional licensing bodies compared to that of DPI;
- The need to have consistency in licensure with regard to education requirements;
- Whether there is a need for a dedicated staff person in DPI to oversee the practice of school social work; and
- Any other issues the Committee deems relevant.

The Joint Legislative Education Oversight Committee would report the results of its study to the 2010 Regular Session of the General Assembly.

**EFFECTIVE DATE:** The act would become effective when it becomes law.

**BACKGROUND:** School Social Work is a specialized area of practice within the broad field of the social work profession. School social workers bring unique knowledge and skills to the school system and the student support services team. They are instrumental in furthering the purpose of the schools - to provide a setting for teaching, learning, and for the attainment of competence and confidence. School social workers are hired by school districts to enhance the district's ability to meet its academic mission, especially where home, school and community collaboration is the key to achieving that mission (<http://www.sswaa.org>).

In order to be a licensed school social worker in North Carolina, one has to complete a bachelor's or master's degree in social work from a Council on Social Work Education (CSWE) accredited program with additional specialized preparation in school social work. Within these school social work education programs, several standards are studied such as the foundations of school social work practice, assessment and evaluation, cultural diversity, consultative and collaborative relationships and understanding of the role of advocacy and facilitation. Also required are intervention strategies to support student development, discernment of statutes and case law and completion of a school social work internship comprising of a minimum of 400 contact hours in a school setting.

School social workers are expected to apply their professional training in schools in order to support student success. Their capacity to influence student success is clearly influenced by school social

# House Bill 1089

*Page 2*

worker-to-student ratios (No Child Left Behind recommends one-masters-degreed-school-social-worker-to-800-students ratio; the School Social Work Association of America recommends one master's-degreed social worker per 400 students). Through specialized school social work programs that strengthen the home/school/community partnership and address barriers to student learning, school social workers serve as catalysts in promoting student wellbeing and successful completion.<sup>1</sup>

*H1089-SMSF-37(e1) v2*

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<sup>1</sup> Background information is from the North Carolina Department of Public Instruction's webpage  
<http://www.dpi.state.nc.us/studentsupport/socialwork/>

House Pages

Educator

Name of Committee: \_\_\_\_\_ Date: 4/28/09

1. Name: Abraham Barron (Barron)  
County: Yakima  
Sponsor: Jim Gully Jim Gully
2. Name: Stephen Hutchinson  
County: Wilkes  
Sponsor: Randleman
3. Name: \_\_\_\_\_  
County: \_\_\_\_\_  
Sponsor: \_\_\_\_\_
4. Name: \_\_\_\_\_  
County: \_\_\_\_\_  
Sponsor: \_\_\_\_\_
5. Name: \_\_\_\_\_  
County: \_\_\_\_\_  
Sponsor: \_\_\_\_\_

Sgt-At-Arms

1. Name: MARVIN LEE TREY RALEY
2. Name: John Brandon
3. Name: MARTHA PARRISH
4. Name: JUDY TURNER



MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
May 5, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, May 5, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Bordsen, Brown, Bryant, Cleveland, Dickson, Dollar, England, B. Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Jackson, Johnson, Langdon, McCormick, McElraft, McLawhorn, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Stiller, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements were made to pages and all those instrumental in the successfulness of the education committee.

The agenda was presented and the following bills were before the committee:

**HB 1031 – A BILL TO BE ENTITLED AN ACT TO ALLOW PUBLIC SCHOOLS TO USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS.**

**Representative Lucas** motioned to accept the PCS. The motion passes and **Representative Folwell** explains that all the state agencies worked together on the bill and there was no opposition to the bill. The PCS would permit public schools which voluntarily apply for child care facility licensure to use existing or new classrooms meeting certain kindergarten classroom standards for three and four year old preschool students without modifications. The PCS would also require that the rules for voluntary licensure of public schools as child care facilities provide that classrooms meeting the kindergarten standard would satisfy the requirements for physical classrooms.

**Representative Dollar** motioned for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation the committee substitute bill be re-referred to the Committee on State Government/State Personnel. The motion passed.

**HB 1038 - A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOBS COMMISSION.**

**Representative Lucas** motioned to adopt the PCS. **Representative Glazier** explained that the bill would seek to tie educational programs to economic development and jobs creation in a number of North Carolinas' communities. The goal is to unite our businesses and schools commission. There is no opposition to the bill.

**Representative McLawhorn** motioned for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The bill passed.

**HB 1225 - A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE FEASIBILITY OF IMPLEMENTING A TRIMESTER SYSTEM FOR MOST OF THE STATE'S PUBLIC UNIVERSITIES AND TO DESIGN A PILOT PROGRAM TO BE IMPLEMENTED AT SELECTED PUBLIC UNIVERSITIES TO HELP DETERMINE WHETHER SUCH A CONVERSION WOULD BE BENEFICIAL.**

**Representative Tolson** explained the purpose of the study bill. **Representative Ross** motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The bill passed.

**HB 804 - A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.**

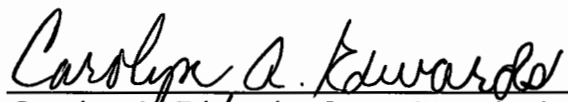
**Representative Cotham** explained that HB 804 is a minor modification that requires schools to provide parents with some type of notice once the child has been identified at risk of failing. Any type of notice that a school deems feasible is acceptable. There is no timeline when a notice can be given. The bill is supported by North Carolina Justice Center, NAACP, and NCAE. **Representative Womble** motioned for a favorable report. The motion passed.

**HB 223 - A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT.**


**Representative Lucas** motion to adopt the PCS, the motion passed. **Representative Love** explained that there will be no mandate from the state. **Representative Stiller** motioned for a favorable report to the committee substitute bill, unfavorable to the original bill, and recommendation that the committee substitute be re-referred to the Committee on Rules, Calendar, and Operations of the House. HB 223 passed.

**Chairman Bell** adjourned the meeting at 11:40 a. m.

Respectfully submitted,



Carolyn A. Edwards, Committee Assistant



**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, May 5, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

**BILL NO.    SHORT TITLE**

**SPONSOR**

HB 223    No High School Graduation Proj. Required.

Representative Love  
Representative Bryant

HB 661    City Managers on School Boards.

Representative R. Warren

HB 804    Amend Law Re: Personal Education Plans.

Representative Cotham  
Representative Jackson  
Representative Lucas  
Representative Parmon

HB 971    Legislative Study of Alternative Schools.

Representative Lucas  
Representative Bryant

HB 1031    Bldg. Stds./Pre-K Classes in Public Schools.

Representative Folwell  
Representative Carney  
Representative Goforth  
Representative Dollar

HB 1038    Econ. Dev. Thru Innovative Schools/Comm.

Representative Glazier  
Representative Parmon  
Representative McLawhorn  
Representative Yongue

HB 1225    UNC Bd. of Governors Study Trimesters.

Representative Haire  
Representative Stewart  
Representative Rapp  
Representative Tolson

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:30 P.M. on **April 29, 2009**.

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-05-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Daniel Boulware	Governor's Page / 402 Courtland Dr.
Ronjae PERRY	Gov. Page
Ja'son Davis	Gov. Page
Hashad King	Gov. Page
Anna Hullender	Gov. Page
Fantress Chestnut	Governor's page
Alussa Johnson	Gov. Page
James Rivers	Governor's page
Ronjae PERRY	Gov. Page
Katie Bowman	Governor's Page
Jessica Best	Governor's Page

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-05-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Lynn Binner	NRG / Char
Rory Gronberg	Herald-Sun
Virginia Cardenas	WCPSS
Carol Vanderbergh	PENC
KRhoads	DHHS
Sylvia Barnes	NAACP
Harold Bentley	NAACP
Mylla Smith	NCJCPA
ERIE PATTONSON	SEANC
Reichelle Williams	NC Justice
Beth Jacobs	NC Justice / NCCARE

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-05-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Karen Gave	NAPIS
Everly Broadway	NCDPI
Annaliese Dolph	DRNC
Jennifer Mahan	MHANC
Erin McLaughlin	MAANC
Ed Luloff	BP
Joe Fredoso	MCNC.
KARL RECTANUS	MCNC
LINDA GUNTER	NCAE
Julie Stewart	NC Chamber
Rob Schofield	NC Policy Watch

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-05-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Jennifer Locklear	NC EPFP
Pat MacNeill	NC EPFP (Greene County Schools)
Emily Loney	Hunt Institute
Bobbie Grammer	NC-EPFP
George Brown	NCDEP / EPFP
Wendy Kuhn	MCNC
Precious Mudiwa	APPALACHIAN STATE UNIV.
Phil Kaufman	LEARN NC / EPFP
ROSS WHITE	LEARN NC / EPFP
Brenda K. Williamson	Shaw University / NC EPFP
Brian Lewis	NGAE



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-05-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Julia Kron	NC Teacher Academy
Ben Bryan	NC Teacher Academy
Darnell Boyd	Rep. Adams
Jennifer Willis	NCCS
Erin Schweltpelz	UNC
KATRINA V BILLINGSLEY	NC EPFP
SHAWA OVERDORF	NC EPFP
MICHAEL MARTIN	NC EPFP
Kerrin Coleman	NC EPFP
Lindsey Molusky	NC EPFP
Don Phipps	11

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-05-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: <u>(Please Print)</u>	FIRM OR AGENCY AND ADDRESS
Gloriesvenea Stachlouse	NC Justice Center
Valarie Thomas	NC Justice Center
Chuck Hawkins	NCCQT
Trai Blount	NCDPI / EPFP
Raye Atkinson	NCDPI / EPFP
Robin Barley	EPFP
Del Ruff	EPFP
Lori Bruce	NCDPI / EPFP
Ira Wolfe	EPFP
John Norris	Public Sch. Forum of NC
Kendell Jordan	Public School Forum of NC

## VISITOR REGISTRATION SHEET

Committee on Education

May 5, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

FRANK CERNIK

NC DPI

Elissa Brown

NCDPI

Rebecca Garland

NCDPI

Angela Hester

NCDPI

Katherine W. Pyce

NCASA

Emily Doyle

NCPAPA

Susan Hansen

WCPS

Abbea Trout

NCACC

Mandy Ableidinger

Action for Children NC

Chris Minard

State Bd of Ed

Jim Stegall

U.C.P.S.

# VISITOR REGISTRATION SHEET

*Education*

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Karen McL	CF SA-NE
Joane Winer	NCSBA
C. Brockett	ncsba
Emlyn St. Moore	PONC; CENK
Bob Sawitt	NC Child Care Coalition
W. W. Lavelle	NCIC 4
Jeff Nixon	Civitas
Jimmy Carr	Lake Junaluska
Ann Maddock	Green's Office
Rob Black	TEAMSTERS
Brandon Coleman	

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**May 5, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

<b>HB 223</b>	<b>No High School Graduation Proj. Required.</b>	<b>Representative Love Representative Bryant</b>
<b>HB 661</b>	<b>City Managers on School Boards.</b>	<b>Representative R. Warren</b>
<b>HB 804</b>	<b>Amend Law Re: Personal Education Plans.</b>	<b>Representative Cotham Representative Jackson Representative Lucas Representative Parmon</b>
<b>HB 971</b>	<b>Legislative Study of Alternative Schools.</b>	<b>Representative Lucas Representative Bryant</b>
<b>HB 1031</b>	<b>Bldg. Stds./Pre-K Classes in Public Schools.</b>	<b>Representative Folwell Representative Carney Representative Goforth Representative Dollar</b>
<b>HB 1038</b>	<b>Econ. Dev. Thru Innovative Schools/Comm.</b>	<b>Representative Glazier Representative Parmon Representative McLawhorn Representative Yongue</b>
<b>HB 1225</b>	<b>UNC Bd. of Governors Study Trimesters.</b>	<b>Representative Haire Representative Stewart Representative Rapp Representative Tolson</b>

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1031**

A BILL TO BE ENTITLED AN ACT TO ALLOW PUBLIC SCHOOLS TO USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on STATE GOVERNMENT/STATE PERSONNEL.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1031  
PROPOSED COMMITTEE SUBSTITUTE H1031-PCS30337-TC-34

Short Title: Bldg. Stds./Pre-K Classes in Public Schools.

(Public)

Sponsors:

Referred to:

April 6, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-521.1. Building standards for preschool students.**

A public school that voluntarily applies for a child care facility license may use an existing or newly constructed classroom in a public school for three- and four-year-old preschool students without modifications to the classroom or building if the classroom:

(1) Has at least one toilet and one sink for hand washing;

(2) Meets kindergarten standards for overhead light fixtures; and

(3) Meets kindergarten standards for floors, walls, and ceilings.

A public school that voluntarily applies for a child care facility license shall meet all other requirements for child care facility licensure."

**SECTION 2.** G.S. 110-90(11) reads as rewritten:

"(11) To issue a license to any child care arrangement that does not meet the definition of child care facility in G.S. 110-86 whenever the operator of the arrangement chooses to comply with the requirements of this Article and the rules adopted by the Commission and voluntarily applies for a child care facility license. The Commission shall adopt rules for the issuance or removal of the licenses.

Notwithstanding any other provision of law, rules adopted by the Commission regarding a public school that voluntarily applies for a child care facility license shall provide that a classroom that meets the standards set out in G.S. 115C-521.1 shall satisfy child care facility licensure requirements as related to the physical classroom."

**SECTION 3.** This act is effective when it becomes law.



\* H 1 0 3 1 - P C S 3 0 3 3 7 - T C - 3 4 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1031  
PROPOSED COMMITTEE SUBSTITUTE H1031-CSTC-34 [v.6]

5/4/2009 8:22:45 PM

Short Title: Bldg. Stds./Pre-K Classes in Public Schools.

(Public)

Sponsors:

Referred to:

April 6, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 115C is amended by adding a new section to read:

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A public school that voluntarily applies for a child care facility license shall meet all other requirements for child care facility licensure."

**SECTION 2. G.S. 110-90(11) reads as rewritten:**

"(11) To issue a license to any child care arrangement that does not meet the definition of child care facility in G.S. 110-86 whenever the operator of the arrangement chooses to comply with the requirements of this Article and the rules adopted by the Commission and voluntarily applies for a child care facility license. The Commission shall adopt rules for the issuance or removal of the licenses.

Notwithstanding any other provision of law, rules adopted by the Commission regarding a public school that voluntarily applies for a child care facility license shall provide that a classroom that meets the standards set out in G.S. 115C-521.1 shall satisfy child care facility licensure requirements as related to the physical classroom."

**SECTION 3.** This act is effective when it becomes law.



\* H 1 0 3 1 - C S T C - 3 4 - V - 6 \*



## HOUSE BILL 1031: Bldg. Stds./Pre-K Classes in Public Schools

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, State Government/State Personnel	<b>Date:</b>	May 5, 2009
<b>Introduced by:</b>	Reps. Folwell, Carney, Goforth, Dollar	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H1031-CSTC-34		Committee Counsel

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**SUMMARY:** *The PCS for HB 1031 would permit public schools which voluntarily apply for child care facility licensure to use existing or new classrooms meeting certain kindergarten classroom standards for three- and four-year-old preschool students without modifications. The PCS would also require that the rules for voluntary licensure of public schools as child care facilities provide that classrooms meeting the kindergarten standard would satisfy the requirements for physical classrooms.*

**CURRENT LAW:** Child care facilities that meet applicable standards are licensed by the Child Care Commission (G.S. 110-88). Public schools are not included in the definition of "child care" facilities under the Child Care Facilities article (Article 7 of Chapter 110) and are not required to be licensed by the Commission.

The Secretary of Health and Human Services is authorized in G.S. 110-90(11) to issue a license to facilities not required to be licensed, such as public schools, if those facilities voluntarily apply for a child care facility license, and choose to comply with the requirements of the Article and rules adopted by the Commission.

G.S. 110-91 provides the mandatory standards for a license. These standards include certain building requirements. Child care facilities must be located in buildings that meet the appropriate code requirements of the North Carolina Building Code under standards adopted by the Building Code Council, subject to adoption by the Commission specifically for child care facilities.

**BILL ANALYSIS:** The PCS for HB 1031 would create a new section in Chapter 115C, G.S. 115C-521.1, to permit a public school that voluntarily applies for a child care facility license to use existing or newly constructed classrooms in public schools for three- and four-year-old preschool students without building modifications, if the classroom:

- 1) Has at least one toilet and one sink for hand washing,
- 2) Meets kindergarten standards for overhead light fixtures, and
- 3) Meets kindergarten standards for floors, walls, and ceilings.

Public schools would otherwise be required to meet the requirements for child care facility licensure.

The PCS would also amend the authority of the Secretary of Health and Human Services to issue a license to facilities who voluntarily seek licensure by requiring the Commission's rules regarding voluntary licensure of child care facilities in public schools to provide that, notwithstanding any other provision of law, classrooms meeting the standards of G.S. 115C-521.1 would satisfy child care facility licensure requirements for physical classrooms.

**EFFECTIVE DATE:** HB 1031 would become effective when it becomes law.

H1031-SMTC-75(CSTC-34) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1038** A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOBS  
COMMISSION.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1038**

Short Title:	Econ. Dev. Thru Innovative Schools/Comm.	(Public)
<hr/>		
Sponsors:	Representatives Glazier, Parmon, McLawhorn, Yongue (Primary Sponsors); Cotham, Faison, Fisher, Gillespie, Harrison, Lucas, Rapp, Spear, Tarleton, and Womble.	
<hr/>		
Referred to:	Education, if favorable, Appropriations.	

April 6, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A JOBS COMMISSION.

Whereas, the Innovative Education Act became law in 2003; and  
Whereas, as a result of said act, 52 Early/Middle College programs have been developed as a collaboration between the public schools, the community colleges, and private business; and

Whereas, these schools have generally evidenced a decrease in the dropout rate and, as a result, have won national awards; and

Whereas, North Carolina has seven identified economic development regions, each with its own challenges during changing economic times; and

Whereas, to be efficient with the taxpayers' dollars and to continue to reduce the dropout rate and to prepare our students for twenty-first century jobs, it would be beneficial to develop future Early/Middle College programs and STEM (Science, Technology, Engineering, and Mathematics) school programs that have curriculums that prepare students to meet the particular need of the respective economic development regions. In addition, it would be beneficial to develop curriculums in some of these schools that address career areas that are present in each region and that would address statewide needs; and

Whereas, 16 career clusters ranging from Vocational-Technical Programs such as Manufacturing to Health Science, to Science, Technology, Engineering, and Math have been identified by the United States Department of Education; and

Whereas, it would be beneficial to create a commission to review the vision plans of each region and the overall needs of each region and the overall need of the State to better position each region, and to position the State, to compete in the regional, national, and global economy; and

Whereas, the Commission should be charged to develop incrementally, standard curriculums for these career paths in accordance with the Early/Middle College and STEM models and should be charged with monitoring the implementation of pilot programs in these respective regions that will best suit the potential of the region and better prepare students for the increased academic demands of a global economy; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** There is established in the General Assembly a JOBS (Joining Our Businesses and Schools) Commission.

**SECTION 2.** The Commission shall consist of the following members:

- (1) The Lieutenant Governor, who shall serve as chair;
- (2) The chair of the State Board of Education or a designee;



- (3) The Secretary of the Department of Commerce or a designee;
- (4) The President of the North Carolina Community College System;
- (5) Three members appointed by the Governor;
- (6) Three members appointed by the President Pro Tempore of the Senate; and
- (7) Three members appointed by the Speaker of the House of Representatives.

**SECTION 3.** The purpose of the Commission is to (i) develop incrementally, in conjunction with the Department of Public Instruction, standard curriculums for career clusters and their corresponding career paths in accordance with the Early/Middle College model and (ii) monitor the implementation of pilot programs in the seven economic development regions of the State that will best suit the needs of the regions and prepare students for the increased academic demands of a global economy.

The Commission shall meet at least once in each economic development region within the first eight months of its creation. In the course of the study, the Commission shall consider the needs of the State as a whole and shall review the economic vision plans for each region and other information it deems necessary and consider the growing need for technicians, teachers, practitioners of allied health, including, but not limited to, nurses and doctors, and the need for scientists and engineers and other critical areas. It shall also consider the technical and vocational needs of each region.

The Commission shall report its recommendations to the State Board of Education. In its report, it shall recommend at least four of the 16 career clusters identified by the United States Department of Education that will best and most broadly serve the immediate needs of the State and the respective regions. Thereafter, the State Board of Education, in consultation with the Department of Public Instruction, shall develop the curriculum for the career clusters so recommended. The State Board of Education shall thereafter, for the 2010-2011 school year, implement at least one JOBS Early/Middle College in each of the economic development regions as recommended by the commission.

The Commission shall also continue to work on prioritizing and customizing the remaining career clusters and identifying additional career paths following the report date and shall subsequently report to the State Board of Education and the Joint Legislative Education Oversight Committee by May 1, 2010.

The Commission shall work closely with the business community across the State and shall encourage businesses and business leaders to partner with the Commission on the work of the Commission and to establish public-private partnerships with the pilot schools.

The Commission may accept gifts and grant funds. Said gifts and grants may be received for the purpose of defraying the expense of travel on a learning tour of innovative schools both inside and out of the State.

**SECTION 4.** The chair may appoint an advisory committee in each economic region to assist it in its work.

**SECTION 5.** The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at anytime upon the call of the chair. The Commission may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a State employee or a person currently under contract with the State to provide services.

All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

1           **SECTION 6.** The Commission shall report the results of its study and its  
2 recommendations to the 2010 Regular Session of the 2009 General Assembly no later than  
3 February 1, 2010.

4           **SECTION 7.** This act becomes effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1038  
PROPOSED COMMITTEE SUBSTITUTE H1038-CSSF-18 [v.2]**

5/4/2009 3:45:41 PM

Short Title:   Joining Our Businesses and Schools Commission.

(Public)

Sponsors:

Referred to:

April 6, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS)  
COMMISSION.

Whereas, the Innovative Education Initiatives Act became law in 2003; and

Whereas, as a result of this act, 52 Early and Middle College programs have been developed as a collaboration between the public schools, the community colleges, and private business; and

Whereas, these schools have generally evidenced a decrease in their dropout rates and, as a result, have won national awards; and

Whereas, North Carolina has seven identified economic development regions, each with its own challenges in today's changing and demanding job market; and

Whereas, North Carolina has numerous innovative public and private programs based in Science, Technology, Engineering, and Mathematics (STEM); and

Whereas, to be efficient with the taxpayers dollars, to continue to increase the graduation rate, and to prepare our students for twenty-first century jobs, it would be beneficial to map these innovative education programs, including the development of additional Early and Middle College programs and STEM programs, and other public and private education programs that have instructional programs that prepare students to meet the particular employment and workforce preparation needs of the respective economic development regions. In addition, it would be beneficial to develop curriculum frameworks that reflect innovative design principles in some of these schools that would address both regional and Statewide employment needs; and

Whereas, the United States Department of Education has identified 16 career clusters as a tool to connect career technical education (CTE) to education, workforce preparation, and economic development; and

Whereas, the North Carolina STEM Community Collaborative/MCNC is supporting the creation of a replicable community visioning process, engaging business, policy, education, and community stakeholders in mapping their local needs and producing a plan for sustainable, local education innovation based in science technology engineering and mathematics; and

Whereas, it would be beneficial to position each region and the State to compete in the regional, national, and global economy by creating a commission to review the vision plans and overall needs of each economic development region as well as the overall needs of the State; and



\* H 1 0 3 8 - C S S F - 1 8 - V - 2 \*

Whereas, the Commission should advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop standard instructional programs for twenty-first century career paths in accordance with the Early and Middle College and STEM models and monitor the implementation of pilot programs in these respective regions that will best suit the potential of the region and better prepare students for the increased academic demands of a global economy; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the JOBS (Joining Our Businesses and Schools) Commission (Commission).

**SECTION 2.** The Commission shall consist of the following members:

- (1) The Lieutenant Governor serving as the Chair.
- (2) Four members appointed by the Governor.
- (3) Seven members appointed by the Speaker of the House of Representatives, to include:
  - a. Two members of the House of Representatives.
  - b. A representative of the Community College System.
  - c. A representative of the Independent Colleges and Universities.
  - d. A representative of the Department of Commerce.
  - e. A representative of North Carolina's business and industry.
  - f. A representative of North Carolina's school superintendents.
- (4) Seven members appointed by the President Pro Tempore of the Senate, to include:
  - a. Two members of the Senate.
  - b. A representative of The University of North Carolina.
  - c. A representative of the Department of Public Instruction.
  - d. A representative of North Carolina's business and industry.
  - e. A teacher.
  - f. An individual with expertise in STEM education.
- (5) The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

**SECTION 3.** The Commission shall study issues related to economic development through innovative schools where instructional program frameworks reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers, including:

- (1) Technical and vocational needs of each economic development region;
- (2) Employment and workforce preparation needs of the State as a whole;
- (3) The economic vision plans for each economic development region;
- (4) The shortage of highly skilled employees such as technicians, teachers, allied health practitioners, including, but not limited to nurses and doctors, scientists, and engineers;
- (5) The 16 career clusters identified by the United States Department of Education as well as additional career paths;
- (6) The development of a framework for assessment of readiness of a community or region to support 21st Century economic demands of business and industry development and the scaling of innovative local programs to impact broader numbers of individuals in communities around the State; and
- (7) Any other matter pertinent to connecting career technical education to education, workforce preparation, and economic development through innovative schools.

The Chair shall appoint from the Commission's membership a North Carolina STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure



1 that the efforts of the Commission and the Community Collaborative are aligned and that the  
2 Commission is informed of the Community Collaborative's activities and that the Community  
3 Collaborative is informed of the Commission's activities.

4 **SECTION 4.** The Commission shall (i) advise the North Carolina Education  
5 Cabinet and specifically the Department of Public Instruction as they develop, incrementally,  
6 standard instructional programs for career clusters and their corresponding career paths in  
7 accordance with the Early and Middle College model, and (ii) monitor the implementation of  
8 pilot programs in the seven economic development regions of the State that will best suit the  
9 needs of the regions and prepare students for the increased academic demands of a global  
10 economy.

11 **SECTION 5.** The Commission shall also study issues related to economic growth  
12 by the creation of measures and metrics which define the readiness of a community to deliver,  
13 to all stakeholders, the services that equip the workforce to be competitive in a STEM-intensive  
14 economy, including ensuring that students throughout the education pipeline gain the skills  
15 learned from science, technology, engineering, math, and other rigorous subjects. As a part of  
16 its study, the Commission may examine issues related to:

- 17 (1) A replicable and perpetual model for aligning efforts of local business,  
18 industry, policy, and education stakeholders in community engagement for  
19 visioning student-centered learning;
- 20 (2) The documentation and study of the innovative education programs critical  
21 for communities to be competitive in the STEM environment in the 21st  
22 century;
- 23 (3) A framework to network these economic development regions, aligning  
24 State, regional, and external investment in replicable innovation;
- 25 (4) Opportunities to leverage existing research, programs such as the College  
26 Foundation of North Carolina Bridges program, and other resources to  
27 maximize the impact of these existing resources and assets to avoid  
28 duplication, to achieve greater economies of scale, and to broaden the impact  
29 of these efforts by the most cost-effective means possible; and
- 30 (5) Any other topics deemed relevant by the Commission.

31 **SECTION 6.** The Commission shall, within the first eight months of its creation,  
32 meet at least once in each economic development region. The chair may appoint an advisory  
33 committee in each economic development region to assist the Commission in its work.

34 The Commission shall work closely with the business community across the State  
35 and shall encourage businesses and business leaders to partner with the Commission on the  
36 work of the Commission and to establish public-private partnerships with the pilot schools.

37 The Commission shall be informed by the extensive work of The University of  
38 North Carolina on the elementary and middle school fundamental building blocks for  
39 secondary STEM success. This work should be a consideration for all communities which  
40 engage in visioning student-centered learning. The Commission shall also be informed by the  
41 North Carolina STEM program inventory conducted by The University of North Carolina and  
42 make this inventory available to communities which engage in visioning student-centered  
43 learning.

44 The Commission may accept grants and donations to help defray the cost of travel  
45 on a learning tour of innovative schools both inside and out of the State subject to the  
46 requirements of G.S. 138A, G.S. 120C, and Article 14 of Chapter 120 of the General Statutes.

47 **SECTION 7.** The Commission shall report the results of its study to the State Board  
48 of Education by March 1, 2010. In its report, the Commission shall recommend at least four of  
49 the 16 career clusters identified by the United States Department of Education that will best and  
50 most broadly serve the immediate employment and workforce preparation needs of the State  
51 and the respective regions. The State Board of Education, in consultation with the Department

1 of Public Instruction, shall develop the instructional programs for the recommended career  
2 clusters and shall implement beginning with the 2010-2011 school year at least one JOBS Early  
3 or Middle College in each of the economic development regions as recommended by the  
4 Commission

5 After submitting its March 1, 2010 report, the Commission shall continue to  
6 prioritize and customize the remaining career clusters and identify additional career paths, and  
7 shall report their additional recommendations to the State Board of Education by April 1, 2010.

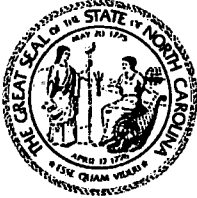
8 **SECTION 8.** Members of the Commission shall receive per diem, subsistence, and  
9 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The  
10 Commission, while in the discharge of its official duties, may exercise all powers provided for  
11 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any  
12 time upon the call of the chair. The Commission may meet in the Legislative Building or the  
13 Legislative Office Building.

14 With approval of the Legislative Services Commission, the Legislative Services  
15 Officer shall assign professional staff to assist the Commission in its work. The House of  
16 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
17 the Commission, and the expenses relating to the clerical employees shall be borne by the  
18 Commission. The Commission may contract for professional, clerical, or consultant services as  
19 provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a  
20 State employee or a person currently under contract with the State to provide services.

21 All State departments and agencies and local governments and their subdivisions  
22 shall furnish the Commission with any information in their possession or available to them.

23 **SECTION 9.** The Commission shall report the results of its study and its  
24 recommendations to the 2010 Regular Session of the 2009 General Assembly and to the Joint  
25 Legislative Education Oversight Committee no later than May 15, 2010.

26 **SECTION 10.** This act becomes effective July 1, 2009.



## HOUSE BILL 1038: Joining Our Businesses and Schools Commission

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 5, 2009
<b>Introduced by:</b>	Reps. Glazier, Parmon, McLawhorn, Yongue	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to First Edition		Legislative Analyst
	H1038-CSSF-18		

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**SUMMARY: SUMMARY:** *The Proposed Committee Substitute (PCS) to House Bill 1038 would create a Joining Our Businesses and Schools (JOBS) Commission.*

*The PCS would change the short title, change the membership of the Commission, make the Commission advisory to the Education Cabinet and the Department of Public Instruction, describe in greater detail the issues to be studied by the Commission, and make technical and clarifying changes.*

*The PCS to House Bill 1038 has a serial referral to Appropriations.*

[As introduced, this bill was identical to S1069, as introduced by Sen. Malone, which is currently in Senate Education/Higher Education.]

**BILL ANALYSIS:** The PCS to House Bill 1038 would establish a 20-member Joining Our Businesses and Schools (JOBS) Commission (Commission). The Commission members would be as follows:

- The Lieutenant Governor serving as the Chair;
- Four members appointed by the Governor;
- Seven members appointed by the Speaker of the House of Representatives, to include:
  - Two members of the House of Representatives.
  - A representative of the Community College System.
  - A representative of the Independent Colleges and Universities.
  - A representative of the Department of Commerce.
  - A representative of North Carolina's business and industry.
  - A representative of North Carolina's school superintendents.
- Seven members appointed by the President Pro Tempore of the Senate, to include:
  - Two members of the Senate.
  - A representative of The University of North Carolina.
  - A representative of the Department of Public Instruction.
  - A representative of North Carolina's business and industry.
  - A teacher.
  - An individual with expertise in STEM education.
- The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

# House Bill 1038

Page 2

The Commission would study issues related to economic development through innovative schools where instructional program frameworks would reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers including technical and vocational needs of each economic development region, employment and workforce preparation needs of the State as a whole, and any other matter pertinent to connecting career technical education to education, workforce preparation, and economic development through innovative schools.

The Commission would also study issues related to economic growth by the creation of measures and metrics which would define the readiness of a community to deliver, to all stakeholders, the services that would equip the workforce to be competitive in a STEM-intensive economy and examine issues related to ensuring that students gain the skills learned from taking science, technology, engineering, math and other rigorous courses, creating a framework to network the economic development regions of the State, and opportunities to leverage existing research and programs to maximize their impact.

The Chair would appoint from the Commission's membership a NC STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure that the efforts of the Commission and the Community Collaborative are aligned.

The Commission would advise the North Carolina Education Cabinet and specifically the Department of Public Instruction (DPI) as they develop, incrementally, standard instructional programs for career clusters and their corresponding career paths according to the Early and Middle College model and monitor the implementation of pilot programs in the seven economic development regions of the State.

The Commission would meet at least once in each economic development region within the first eight months of its creation. The Commission would work closely with the business community across the State to encourage businesses and business leaders to partner with the Commission on their work and to establish public-private partnerships with the pilot schools. The Chair could also appoint an advisory committee in each economic development region to assist the Commission in its work.

The Commission would be informed by the extensive work of The University of North Carolina on the elementary and middle school building blocks for secondary school STEM success, and the North Carolina STEM program inventory. The research and inventory should be made available to all communities which engage in visioning student-centered learning.

By March 1, 2010, the Commission would report to the State Board of Education including its recommendation for at least four of the 16 career clusters identified by the United State Department of Education that would best and most broadly serve the immediate employment and workforce preparation needs of the State and the respective regions. The State Board and DPI would develop the instructional programs for the recommended career clusters and would implement beginning with the 2010-2011 school year at least one JOBS Early or Middle College in each of the economic development regions. The Commission would then continue to prioritize the remaining career clusters, identify additional career paths, and would make further recommendations to the State Board by April 1, 2010.

The Commission would report the results of its study along with any recommendations by May 15, 2010 to the 2010 Regular Session of the 2009 General Assembly.

**EFFECTIVE DATE:** The act would become effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1038  
PROPOSED COMMITTEE SUBSTITUTE H1038-PCS50645-SF-18**

**Short Title:**   Joining Our Businesses and Schools Commission.

**(Public)**

**Sponsors:**

**Referred to:**

April 6, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS)  
COMMISSION.**

Whereas, the Innovative Education Initiatives Act became law in 2003; and

Whereas, as a result of this act, 52 Early and Middle College programs have been developed as a collaboration between the public schools, the community colleges, and private business; and

Whereas, these schools have generally evidenced a decrease in their dropout rates and, as a result, have won national awards; and

Whereas, North Carolina has seven identified economic development regions, each with its own challenges in today's changing and demanding job market; and

Whereas, North Carolina has numerous innovative public and private programs based in Science, Technology, Engineering, and Mathematics (STEM); and

Whereas, to be efficient with the taxpayers' dollars, to continue to increase the graduation rate, and to prepare our students for twenty-first century jobs, it would be beneficial to map these innovative education programs, including the development of additional Early and Middle College programs and STEM programs, and other public and private education programs that have instructional programs that prepare students to meet the particular employment and workforce preparation needs of the respective economic development regions. In addition, it would be beneficial to develop curriculum frameworks that reflect innovative design principles in some of these schools that would address both regional and statewide employment needs; and

Whereas, the United States Department of Education has identified 16 career clusters as a tool to connect career technical education (CTE) to education, workforce preparation, and economic development; and

Whereas, the North Carolina STEM Community Collaborative/MCNC is supporting the creation of a replicable community visioning process, engaging business, policy, education, and community stakeholders in mapping their local needs and producing a plan for sustainable, local education innovation based in science, technology, engineering, and mathematics; and

Whereas, it would be beneficial to position each region and the State to compete in the regional, national, and global economy by creating a commission to review the vision plans and overall needs of each economic development region as well as the overall needs of the State; and



\* H 1 0 3 8 - P C S 5 0 6 4 5 - S F - 1 8 \*

Whereas, the Commission should advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop standard instructional programs for twenty-first century career paths in accordance with the Early and Middle College and STEM models and monitor the implementation of pilot programs in these respective regions that will best suit the potential of the region and better prepare students for the increased academic demands of a global economy; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the JOBS (Joining Our Businesses and Schools) Commission (Commission).

**SECTION 2.** The Commission shall consist of the following members:

- (1) The Lieutenant Governor serving as the Chair.
- (2) Four members appointed by the Governor.
- (3) Seven members appointed by the Speaker of the House of Representatives, to include:
  - a. Two members of the House of Representatives.
  - b. A representative of the Community College System.
  - c. A representative of the Independent Colleges and Universities.
  - d. A representative of the Department of Commerce.
  - e. A representative of North Carolina's business and industry.
  - f. A representative of North Carolina's school superintendents.
- (4) Seven members appointed by the President Pro Tempore of the Senate, to include:
  - a. Two members of the Senate.
  - b. A representative of The University of North Carolina.
  - c. A representative of the Department of Public Instruction.
  - d. A representative of North Carolina's business and industry.
  - e. A teacher.
  - f. An individual with expertise in STEM education.
- (5) The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

**SECTION 3.** The Commission shall study issues related to economic development through innovative schools where instructional program frameworks reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers, including:

- (1) Technical and vocational needs of each economic development region;
- (2) Employment and workforce preparation needs of the State as a whole;
- (3) The economic vision plans for each economic development region;
- (4) The shortage of highly skilled employees such as technicians, teachers, allied health practitioners, including, but not limited to, nurses and doctors, scientists, and engineers;
- (5) The 16 career clusters identified by the United States Department of Education as well as additional career paths;
- (6) The development of a framework for assessment of readiness of a community or region to support twenty-first century economic demands of business and industry development and the scaling of innovative local programs to impact broader numbers of individuals in communities around the State; and
- (7) Any other matter pertinent to connecting career technical education to education, workforce preparation, and economic development through innovative schools.

1 The Chair shall appoint from the Commission's membership a North Carolina  
2 STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure  
3 that the efforts of the Commission and the Community Collaborative are aligned and that the  
4 Commission is informed of the Community Collaborative's activities and that the Community  
5 Collaborative is informed of the Commission's activities.

6 **SECTION 4.** The Commission shall (i) advise the North Carolina Education  
7 Cabinet and specifically the Department of Public Instruction as they develop, incrementally,  
8 standard instructional programs for career clusters and their corresponding career paths in  
9 accordance with the Early and Middle College model, and (ii) monitor the implementation of  
10 pilot programs in the seven economic development regions of the State that will best suit the  
11 needs of the regions and prepare students for the increased academic demands of a global  
12 economy.

13 **SECTION 5.** The Commission shall also study issues related to economic growth  
14 by the creation of measures and metrics which define the readiness of a community to deliver,  
15 to all stakeholders, the services that equip the workforce to be competitive in a STEM-intensive  
16 economy, including ensuring that students throughout the education pipeline gain the skills  
17 learned from science, technology, engineering, math, and other rigorous subjects. As a part of  
18 its study, the Commission may examine issues related to:

- 19 (1) A replicable and perpetual model for aligning efforts of local business,  
20 industry, policy, and education stakeholders in community engagement for  
21 visioning student-centered learning;
- 22 (2) The documentation and study of the innovative education programs critical  
23 for communities to be competitive in the STEM environment in the twenty-  
24 first century;
- 25 (3) A framework to network these economic development regions, aligning  
26 State, regional, and external investment in replicable innovation;
- 27 (4) Opportunities to leverage existing research, programs such as the College  
28 Foundation of North Carolina Bridges program, and other resources to  
29 maximize the impact of these existing resources and assets to avoid  
30 duplication, to achieve greater economies of scale, and to broaden the impact  
31 of these efforts by the most cost-effective means possible; and
- 32 (5) Any other topics deemed relevant by the Commission.

33 **SECTION 6.** The Commission shall, within the first eight months of its creation,  
34 meet at least once in each economic development region. The Chair may appoint an advisory  
35 committee in each economic development region to assist the Commission in its work.

36 The Commission shall work closely with the business community across the State  
37 and shall encourage businesses and business leaders to partner with the Commission on the  
38 work of the Commission and to establish public-private partnerships with the pilot schools.

39 The Commission shall be informed by the extensive work of The University of  
40 North Carolina on the elementary and middle school fundamental building blocks for  
41 secondary STEM success. This work should be a consideration for all communities which  
42 engage in visioning student-centered learning. The Commission shall also be informed by the  
43 North Carolina STEM program inventory conducted by The University of North Carolina and  
44 make this inventory available to communities which engage in visioning student-centered  
45 learning.

46 The Commission may accept grants and donations to help defray the cost of travel  
47 on a learning tour of innovative schools both inside and out of the State subject to the  
48 requirements of G.S. 138A, G.S. 120C, and Article 14 of Chapter 120 of the General Statutes.

49 **SECTION 7.** The Commission shall report the results of its study to the State Board  
50 of Education by March 1, 2010. In its report, the Commission shall recommend at least four of  
51 the 16 career clusters identified by the United States Department of Education that will best and

1 most broadly serve the immediate employment and workforce preparation needs of the State  
2 and the respective regions. The State Board of Education, in consultation with the Department  
3 of Public Instruction, shall develop the instructional programs for the recommended career  
4 clusters and shall implement beginning with the 2010-2011 school year at least one JOBS Early  
5 or Middle College in each of the economic development regions as recommended by the  
6 Commission.

7 After submitting its March 1, 2010, report, the Commission shall continue to  
8 prioritize and customize the remaining career clusters and identify additional career paths, and  
9 shall report their additional recommendations to the State Board of Education by April 1, 2010.

10 **SECTION 8.** Members of the Commission shall receive per diem, subsistence, and  
11 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The  
12 Commission, while in the discharge of its official duties, may exercise all powers provided for  
13 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any  
14 time upon the call of the Chair. The Commission may meet in the Legislative Building or the  
15 Legislative Office Building.

16 With approval of the Legislative Services Commission, the Legislative Services  
17 Officer shall assign professional staff to assist the Commission in its work. The House of  
18 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
19 the Commission, and the expenses relating to the clerical employees shall be borne by the  
20 Commission. The Commission may contract for professional, clerical, or consultant services as  
21 provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a  
22 State employee or a person currently under contract with the State to provide services.

23 All State departments and agencies and local governments and their subdivisions  
24 shall furnish the Commission with any information in their possession or available to them.

25 **SECTION 9.** The Commission shall report the results of its study and its  
26 recommendations to the 2010 Regular Session of the 2009 General Assembly and to the Joint  
27 Legislative Education Oversight Committee no later than May 15, 2010.

28 **SECTION 10.** This act becomes effective July 1, 2009.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1225**                    A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY THE FEASIBILITY OF IMPLEMENTING A TRIMESTER SYSTEM FOR MOST OF THE STATE'S PUBLIC UNIVERSITIES AND TO DESIGN A PILOT PROGRAM TO BE IMPLEMENTED AT SELECTED PUBLIC UNIVERSITIES TO HELP DETERMINE WHETHER SUCH A CONVERSION WOULD BE BENEFICIAL.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1225**

Short Title:   UNC Bd of Governors Study Trimesters. (Public)

Sponsors:   Representatives Haire, Stewart, Rapp, Tolson (Primary Sponsors); Bell, Glazier,  
Lucas, McLawhorn, and Yongue.

Referred to:   Education, if favorable, Appropriations.

April 9, 2009

A BILL TO BE ENTITLED  
AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH  
CAROLINA TO STUDY THE FEASIBILITY OF IMPLEMENTING A TRIMESTER  
SYSTEM FOR MOST OF THE STATE'S PUBLIC UNIVERSITIES AND TO DESIGN A  
PILOT PROGRAM TO BE IMPLEMENTED AT SELECTED PUBLIC UNIVERSITIES  
TO HELP DETERMINE WHETHER SUCH A CONVERSION WOULD BE  
BENEFICIAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Board of Governors of The University of North Carolina shall study the feasibility of converting the academic calendar for most of the State's university system from a semester system to a trimester system. The study shall include the following universities: the University of North Carolina at Chapel Hill, North Carolina State University, the University of North Carolina at Greensboro, the University of North Carolina at Charlotte, the University of North Carolina at Asheville, the University of North Carolina at Wilmington, Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, University of North Carolina at Pembroke, Western Carolina University, and Winston-Salem State University. The study shall not include either the University of North Carolina School of the Arts or the constituent high school, the North Carolina School of Science and Mathematics.

The goal of the study is to evaluate whether switching to a trimester system would better enable a university to use more fully its campus facilities during the summer while still maintaining the academic and programmatic integrity of the institution. The Board of Governors shall consider how a conversion to a trimester system could change campus culture at each university that is included in the study, the challenges of enticing people to participate, particularly in a summer trimester, and the issues related to workload distribution and student support. In its study the Board of Governors shall also analyze and evaluate how converting to a trimester system would affect all of the following at each university included in the study: student life; financial aid; athletic programs; student government; student learning; the need, if any, for additional faculty, and if additional faculty are needed, then the academic areas in which they would be needed; faculty research; registration; housing; maintenance; and utilities.

**SECTION 2.** As part of the study set out in Section 1 of this act, the Board of Governors shall also design a pilot program to explore the advantages and disadvantages to different types of campuses in switching to an academic year based on trimesters. The Board of Governors shall identify four of the universities included in the study with different types of campuses to participate in the pilot program. The Board of Governors shall determine the



1 time-frame for implementing the pilot program and the length of time that the pilot program  
2 shall be maintained in order to analyze fully the advantages and disadvantages of switching to a  
3 trimester system. The Board of Governors shall also determine what incentives, if any, may be  
4 offered to encourage students and faculty to participate in the summer trimester. The pilot  
5 program shall not be implemented until after the Board of Governors reports to the Joint  
6 Legislative Education Oversight Committee pursuant to Section 3 of this act and funds are  
7 appropriated to implement the pilot program.

8 **SECTION 3.** The Board of Governors shall report its findings and  
9 recommendations to the Joint Legislative Education Oversight Committee by October 1, 2009.

10 **SECTION 4.** There is appropriated from the General Fund to the Board of  
11 Governors of The University of North Carolina the sum of twenty-five thousand dollars  
12 (\$25,000) for the 2009-2010 fiscal year to conduct the study described in Section 1 of this act.  
13 The funds appropriated by this section shall not be used for the pilot program described in  
14 Section 2 of this act.

15 **SECTION 5.** This act is effective when it becomes law.



## HOUSE BILL 1225: UNC Bd of Governors Study Trimesters

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 5, 2009
<b>Introduced by:</b>	Reps. Haire, Stewart, Rapp, Tolson	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 1225 directs the Board of Governors of The University of North Carolina to study the feasibility of implementing a trimester system for most of the State's public universities and to design a pilot program for a trimester system.*

**BILL ANALYSIS:** House Bill 1225 directs the Board of Governors of The University of North Carolina (BOG) to study the feasibility of converting the academic calendar for the State's constituent institutions, except for the University of North Carolina School of the Arts and the North Carolina School of Science and Mathematics, to a trimester system.

The purpose of the study is to evaluate whether switching to a trimester system would enable a university to more fully use its campus facilities during the summer while maintaining the academic and programmatic integrity of the institution. The BOG must consider the following in the study:

- How a conversion could change the campus culture;
- The challenges of enticing people to participate in a summer trimester;
- The issues related to workload distribution and student support; and
- How all of the following would be affected: student life, financial aid; athletic programs; student government; student learning; the need, if any, for additional faculty; faculty research; registration; housing; maintenance; and utilities.

The BOG is also required to design a pilot program to explore the advantages and disadvantages of the different institutions switching to a trimester system and must identify 4 universities to participate in the pilot program. The pilot program cannot be implemented until after the BOG reports to the Joint Legislative Education Oversight Committee on its findings and recommendations by October 1, 2009.

The bill appropriates \$25,000 for the 2009-2010 fiscal year to the BOG to conduct the study. The funds appropriated in the bill cannot be used for the pilot program.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

H1225-SMRQ-57(e1) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 804** A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING  
PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 804

Short Title: Amend Law Re: Personal Education Plans. (Public)

Sponsors: Representatives Cotham, Jackson, Lucas, Parmon (Primary Sponsors);  
K. Alexander, Bryant, Carney, Faison, Fisher, E. Floyd, Glazier, Goodwin,  
Harrison, Insko, Johnson, Luebke, Mackey, Rapp, Tarleton, R. Warren, Weiss,  
Womble, and Yongue.

Referred to: Education.

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR  
3 STUDENTS AT RISK OF ACADEMIC FAILURE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-105.41 reads as rewritten:

6 "§ 115C-105.41. Students who have been placed at risk of academic failure; personal  
7 education plans.

8 Local school administrative units shall identify students who ~~have been placed~~ are at risk  
9 for academic failure. Identification shall occur as early as can reasonably be done and can be  
10 based on grades, observations, State assessments, and other factors that impact student  
11 performance that teachers and administrators consider appropriate, without having to await the  
12 results of end-of-grade or end-of-course tests. At the beginning of the school year, a personal  
13 education plan for academic improvement with focused intervention and performance  
14 benchmarks shall be developed for any student at risk of academic failure who is not  
15 performing at least at grade level, as identified by the State end-of-grade test factors noted  
16 above. Focused intervention and accelerated activities should include research-based best  
17 practices that meet the needs of students and may include coaching, mentoring, tutoring,  
18 summer school, Saturday school, and extended days. Local school administrative units shall  
19 provide these activities free of charge to students. Local school administrative units shall also  
20 provide transportation free of charge to all students for whom transportation is necessary for  
21 participation in these activities.

22 Local school administrative units shall give notice of the personal education plan and a  
23 copy of the personal education plan to the student's parent or guardian. Parents should be  
24 included in the implementation and ongoing review of personal education plans."

25 SECTION 2. This act is effective when it becomes law and applies beginning with  
26 the 2009-2010 school year.





# HOUSE BILL 804:

## Amend Law Re: Personal Education Plans

2009-2010 General Assembly

<b>Committee:</b>	House Education	<b>Date:</b>	May 5, 2009
<b>Introduced by:</b>	Reps. Cotham, Jackson, Lucas, Parmon	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 804 requires that local school administrative units (LEAs) must give notice of a student's personal education plan and copy of the personal education plan to the student's parent or guardian.*

**CURRENT LAW:** G.S. 115C-105.41 requires LEAs to identify students who have been placed at risk for academic failure. This identification must be done as early as can be reasonably done and is based on grades, observations, State assessments and other factors impacting student performance that teachers and administrators think to be appropriate. A personal education plan for academic improvement must be developed at the beginning of the school year for any student not performing at grade level as identified by the State end-of-grade test. The personal education plan must contain focused intervention and performance benchmarks. Focused intervention and accelerated activities must include research based practices that may include coaching, mentoring, tutoring, summer school, Saturday school, and extended days. These activities must be free of charge and the transportation to the activities must be free of charge if a student needs transportation to participate in the activities.

Parents are to be included in the implementation and ongoing review of personal education plans.

**BILL ANALYSIS:** House Bill 804 clarifies that personal education plans must be developed for any student at risk of academic failure who is not performing at grade level as identified by the factors listed such as grades, observations, and State assessments.

The bill requires that LEAs must give notice of a student's personal education plan and a copy of the plan to the student's parent or guardian.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law and applies beginning with the 2009-2010 school year.

**BACKGROUND:** G.S. 115C-105.41 is a part of the School-Based Management and Accountability Program. The State Board of Education has adopted policy TCP-C-018 that states that during any year in which an LEA receives funds from the Disadvantaged Student Supplemental Fund, the superintendent of the LEA must requires principals to assign an effective teacher with at least one year of teaching experience to provide the focused interventions described in the personal education plans for students in grades K-8.

A copy of the policy is on the back of this page.

H804-SMRQ-60(e1) v3

## NORTH CAROLINA STATE BOARD OF EDUCATION Policy Manual

### **Policy Identification**

**Priority:** Twenty-first Century Professionals

**Category:** Qualifications and Evaluations

**Policy ID Number:** TCP-C-018

**Policy Title:** Policy on Teacher Assignment in Local School Administrative Units Receiving Disadvantaged Student Supplemental Funding

**Current Policy Date:** 07/01/2005

**Other Historical Information:** Approved by the Board on September 2, 2004 for July 1, 2005 implementation

**Statutory Reference:**

**Administrative Procedures Act (APA) Reference Number and Category:**

During any year in which a local school administrative unit receives funds from the Disadvantaged Student Supplemental Funding program, the superintendent shall require principals to assign an effective teacher with at least one year of teaching experience and a clear initial or continuing license to provide the focused interventions described in a personal education plan required under N.C. Gen. Stat. § 115C-105.41 for any student enrolled in grades kindergarten through eight. For purposes of this policy, an effective teacher is one, who on his or her most recent performance evaluation: (1) received a rating of "At Standard" on all performance functions on the Teacher Performance Appraisal Instrument-Revised; or (2) received comparable ratings on another validated evaluation instrument.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 223** A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 223**

**Short Title:** No High School Graduation Proj. Required. (Public)

**Sponsors:** Representatives Love, Bryant (Primary Sponsors); Adams, Blackwood, Faison, E. Floyd, Frye, Jones, Neumann, Setzer, Starnes, and Wainwright.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

February 19, 2009

A BILL TO BE ENTITLED  
AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A  
REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM  
EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST  
AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION  
PROJECT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

- (1) A core curriculum for all students that takes into account the special needs of children;
- (2) A set of competencies, by grade level, for each curriculum area;
- (3) A list of textbooks for use in providing the curriculum;
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with disabilities and, in particular, include appropriate modifications;
- (5) A program of remedial education;
- (6) Required support programs;
- (7) A definition of the instructional day;
- (8) Class size recommendations and requirements;
- (9) Prescribed staffing allotment ratios;
- (10) Material and equipment allotment ratios;
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and
- (12) Any other information the Board considers appropriate and necessary.

The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I.

The State Board shall not require a high school graduation project as a requirement for a high school diploma for any student; local boards of education may, however, require their students to complete a high school graduation project."



\* H 2 2 3 - V - 1 \*

1           **SECTION 2.** The Program Evaluation Division of the General Assembly shall  
2 study the cost and effectiveness of a statewide high school graduation project requirement. The  
3 Division shall report the results of its study to the Joint Legislative Education Oversight  
4 Committee on or before July 1, 2010.

5           **SECTION 3.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

H

D

**HOUSE BILL 223**  
**PROPOSED COMMITTEE SUBSTITUTE H223-PCS70400-LE-24**

Short Title: No High School Graduation Proj. Required.

(Public)

Sponsors:

Referred to:

February 19, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A  
3 REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM  
4 EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST  
5 AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION  
6 PROJECT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 115C-81(b) reads as rewritten:

9 "(b) The Basic Education Program shall include course requirements and descriptions  
10 similar in format to materials previously contained in the standard course of study and it shall  
11 provide:

- 12 (1) A core curriculum for all students that takes into account the special needs of  
13 children;
- 14 (2) A set of competencies, by grade level, for each curriculum area;
- 15 (3) A list of textbooks for use in providing the curriculum;
- 16 (4) Standards for student performance and promotion based on the mastery of  
17 competencies, including standards for graduation, that take into account  
18 children with disabilities and, in particular, include appropriate  
19 modifications;
- 20 (5) A program of remedial education;
- 21 (6) Required support programs;
- 22 (7) A definition of the instructional day;
- 23 (8) Class size recommendations and requirements;
- 24 (9) Prescribed staffing allotment ratios;
- 25 (10) Material and equipment allotment ratios;
- 26 (11) Facilities guidelines that reflect educational program appropriateness,  
27 long-term cost efficiency, and safety considerations; and
- 28 (12) Any other information the Board considers appropriate and necessary.

29 The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation  
30 standard or as a requirement for a high school diploma for any student whose individualized  
31 education program (i) identifies the student as learning disabled in the area of mathematics and  
32 (ii) states that this learning disability will prevent the student from mastering Algebra I.



\* H 2 2 3 - P C S 7 0 4 0 0 - L E - 2 4 \*

1     The State Board shall not require any student to prepare a high school graduation project as  
2     a condition of graduation from high school prior to July 1, 2011; local boards of education may,  
3     however, require their students to complete a high school graduation project."

4             **SECTION 2.** The Program Evaluation Division of the General Assembly shall  
5     study the cost and effectiveness of a statewide high school graduation project requirement. The  
6     Division shall report the results of its study to the Joint Legislative Education Oversight  
7     Committee on or before July 1, 2010.

8             **SECTION 3.** This act is effective when it becomes law.



## HOUSE BILL 223: No High School Graduation Proj. Required

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	May 5, 2009
<b>Introduced by:</b>	Reps. Love, Bryant	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	PCS to First Edition H223-PCS70400-LE-24		Legislative Analyst

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**SUMMARY:** *House Bill 223 would prohibit the State Board of Education from requiring the completion of a high school graduation project in order for any student to receive a high school diploma. However, a local board of education would have the option to require a high school graduation project. The Program Evaluation Division of the General Assembly shall study the cost and effectiveness of the statewide requirement for a high school graduation project. The Division shall report to the Joint Legislative Education Oversight Committee by July 1, 2010 on the results of the study. The bill is effective when it becomes law.*

*The Proposed Committee Substitute clarifies that the State Board shall not require the high school graduation project as a condition of graduation before July 1, 2011.*

**BACKGROUND:** State Board of Education Policy 16 NCAC 6D.0502 Student Accountability Standards sets out the standards of proficiency that a student needs to meet in order to receive a high school diploma. Beginning with the entering 9<sup>th</sup> grade class of 2006-2007, a student following the career preparation, college technical preparation, or college/university preparation course of study must successfully complete the North Carolina Graduation Project (Graduation Project).

The Department of Public Instruction (DPI) has prepared information for parents about the Graduation Project including the following important facts:

- The Graduation Project is a performance-based assessment that allows students to apply practical, real-world skills that are not usually measured by standardized tests to a topic of the student's choosing.
- The Graduation Project consists of four components: research paper, product, portfolio, and oral presentation.
- A student works independently and mainly outside of school on the Graduation Project throughout the high school years, not just in a specific semester or year.
- A student works on the Graduation Project under the guidance of a mentor.
- Schools are responsible for providing proper tools, guidance, and ongoing coaching/assistance from teachers, mentors and other adults in the community so that students can successfully complete the Graduation Project.

DPI has created an implementation guide and a web site to provide information and resources to parents, principals, teachers, and mentors, about the Graduation Project.

On April 2, 2009, the State Board of Education approved a one-year delay to the North Carolina Graduation Project as a requirement for high school students. The Graduation Project will now become a requirement for graduation for students who entered ninth grade in 2007-08 or the graduating class of 2010-2011.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 223  
PROPOSED COMMITTEE SUBSTITUTE H223-PCS70400-LE-24

Short Title: No High School Graduation Proj. Required.

(Public)

Sponsors:

Referred to:

February 19, 2009

A BILL TO BE ENTITLED  
AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A  
REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM  
EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST  
AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION  
PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

- (1) A core curriculum for all students that takes into account the special needs of children;
- (2) A set of competencies, by grade level, for each curriculum area;
- (3) A list of textbooks for use in providing the curriculum;
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with disabilities and, in particular, include appropriate modifications;
- (5) A program of remedial education;
- (6) Required support programs;
- (7) A definition of the instructional day;
- (8) Class size recommendations and requirements;
- (9) Prescribed staffing allotment ratios;
- (10) Material and equipment allotment ratios;
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and
- (12) Any other information the Board considers appropriate and necessary.

The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I.



\* H 2 2 3 - P C S 7 0 4 0 0 - L E - 2 4 \*

1        The State Board shall not require any student to prepare a high school graduation project as  
2        a condition of graduation from high school prior to July 1, 2011; local boards of education may,  
3        however, require their students to complete a high school graduation project."

4        **SECTION 2.** The Program Evaluation Division of the General Assembly shall  
5        study the cost and effectiveness of a statewide high school graduation project requirement. The  
6        Division shall report the results of its study to the Joint Legislative Education Oversight  
7        Committee on or before July 1, 2010.

8        **SECTION 3.** This act is effective when it becomes law.



## **EDUCATION COMMITTEE 2009**

**MAY 5, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Caroline Byrd</b>	<b>Lenoir</b>	<b>Braxton</b>
<b>Tyniquea Joyner</b>	<b>Hertford</b>	<b>Mobley</b>
<b>Jeremy Strickland</b>	<b>Sampson</b>	<b>Lewis</b>

**Governor's Pages**

### **SGT-AT-ARMS**

**JOHN BRANDON**

**MARTHA PARRISH**

**TREY RILEY**

**DAVID SHEARON**

**JUDY TURNER**

### **LEGISLATIVE ASSISTANTS**

**THELMA UTLEY**

**CAROLYN EDWARDS**

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
May 7, 2009

The House Committee on Education met at 11:00 a.m. on Thursday, May 7, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chair:** Bell; **Vice Chairs:** Cotham, Fisher, Love, and Womble; **Members:** Alexander, Blackwell, Blackwood, Bordsen, Brown, Bryant, Cleveland, Dollar, England, Burris-Floyd, E. Floyd, Glazier, Wade-Goodwin, Hilton, Holloway, Hurley, Insko, Jackson, Jeffus, Langdon, McCormick, McElraft, McLawhorn, Rapp, Ross, Samuelson, Stam, Stewart, Stiller, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utey.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** called the meeting to order and all introductions were completed.

The agenda was presented and the following bills were before the committee: Staff attorney Kara McCraw was asked to explain HJR 364 and HJR 365.

**HJR 364 – A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.**

**HJR 365 – A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.**

**Representative Tolson** motioned for a favorable report for both bills. HJR 364 and 365 were approved. The bills passed.

**HB 695 – A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY ENERGY SAVINGS REALIZED BY CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND BY COMMUNITY COLLEGES WITHIN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY REMAIN AVAILABLE TO THE INSTITUTION OR COMMUNITY COLLEGE FOR OTHER FACILITY UPGRADES RELATED TO REDUCING ENERGY AND WATER CONSUMPTION AT THE INSTITUTION OR COMMUNITY COLLEGE.**

**Representative Fisher** explained the bill along with staff attorney Drupti Chauhan. **Representative Brown** motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Energy and Energy Efficiency. The motion passed.

**HB 1140 – A BILL TO BE ENTITLED AN ACT TO PROVIDE EDUCATIONAL ASSISTANCE FOR MINIMUM WAGE WORKERS.**

**Representative Tolson** moved to accept the PCS and the motion passed. Representative Blackwood explained that HB 1140 would provide that first priority for 5% of the net income available from the NC State Lottery Fund to fund college and university scholarships would be used to fund scholarships for minimum wage workers. Any remaining funds not committed for that purpose could be used for other scholarships. The State Education Assistance Authority shall report to the Joint Legislative education Oversight Committee on an annual basis by June 1, 2011 on the amount of money disbursed, number of students eligible for and receiving funds, and the institutions the students are enrolled in. The PCS corrects the reporting date to the Joint Legislative Education Oversight Committee. Representatives Wilkins, Bordsen and Womble expressed support for the bill.

**Representative McCormick** motioned for a favorable report to the committee substitute bill, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. HB 1140 passed.

**HB 1371 – A BILL TO BE ENTITLED AN ACT TO PLACE LIMITATIONS ON THE USE OF FUNDS APPROPRIATED FOR THE CHILD NUTRITION PROGRAM.**

**Representative Glazier** motioned to adopt the PCS. The motion passed.

**Representative Yongue** explained that the PCS would make technical and clarifying changes to the bill. Representative Glazier stresses the deficit in child Nutrition Programs. Representative McElraft stressed the importance of assuring the funds not be used for renting spaces in cafeterias.

**Representative Glazier** motioned HB 1371 be without prejudice to the committee substitute bill, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The bill passed.

**HB 757 – A BILL TO BE ENTITLED AN ACT TO DESIGNATE TWO HIGH SCHOOLS IN THE ORANGE COUNTY SCHOOL ADMINISTRATIVE UNIT AS TECHNOLOGY HIGH SCHOOLS.**

**Representative Faison** explained the bill. Representative Womble motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations.

**HB 1504 – A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION.**

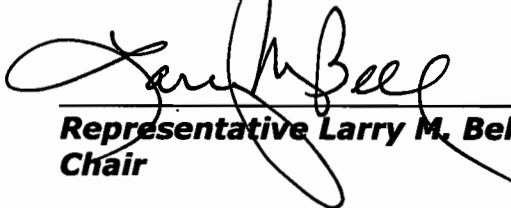
**Representative Cotham** motioned to adopt the PCS. The motion passed. Representative Haire explained that the PCS would amend the language in section 1 to provide that The University of North Carolina, Western Carolina University, and NCCAT will work together to effect and efficient and orderly transfer by November 1, 2009, and to provide that the State shall reassign the parcel of real property in Cullowhee to Western Carolina University if it is no longer used or occupied by NCCAT.

**Representative Tolson** motioned for a favorable report to the committee substitute bill, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations.

**Chairman Bell** adjourned the meeting at 11:45 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, May 7, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<b>HB 364</b>	<b>SBOE Confirmations.</b>	<b>Representative Bell Representative Lucas</b>
<b>HB 365</b>	<b>Joint Session for SBOE Confirmations.</b>	<b>Representative Bell Representative Lucas</b>
<b>HB 695</b>	<b>University/Community College Energy Savings.</b>	<b>Representative Fisher Representative Justice Representative Harrison Representative Samuelson</b>
<b>HB 757</b>	<b>Two Orange Co. Schools Are Tech. Schools.</b>	<b>Representative Faison</b>
<b>HB 1140</b>	<b>Educ. Assistance for Minimum Wage Workers.</b>	<b>Representative Blackwood Representative Wilkins Representative Johnson Representative Pierce</b>
<b>HB 1371</b>	<b>Limit Use of Child Nutrition Prog. Funds.</b>	<b>Representative Yongue Representative Glazier Representative Insko Representative Johnson</b>
<b>HB 1372</b>	<b>Eliminate Reduced Cost School Meals.</b>	<b>Representative Yongue Representative Glazier Representative Martin Representative Rapp</b>

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12 o'clock. on **May 6, 2009**.

X Principal Clerk  
X Reading Clerk – House Chamber  
**Thelma Utley** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-07-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

<i>Walt Hume</i>	<i>UCPAPA</i>
<i>Lu M. Murrell</i>	<i>NCICU</i>
<i>Abaca Trank</i>	<i>NCACC</i>
<i>Alice Garland</i>	<i>NCEL</i>
<i>John Norris</i>	<i>Public School for NC</i>
<i>Emily Dally</i>	<i>NCPPA</i>
<i>Kathleen Joyce</i>	<i>NCAPA</i>
<i>Jim Stegall</i>	<i>UCPS</i>
<i>Lynn Hoggard</i>	<i>NCDPI</i>
<i>Ben Matthee</i>	<i>II</i>
<i>Matt Samell</i>	<i>SNA</i>

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-07-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

David Coe	Oracle Raleigh 8010 Arco Corporate Dr.
Christy Agnew	Dept. of Admin
Lisa Familo	NC Alliance for Health
Cecil S Banks	NCAE
Ann Maddock	Governor's Office
Anita Watkins	UNC - GA
Eun Schuelpelz	UNC - GA
Jennifer Willis	NCCCS
Angela Smith	NCTC PC
Gene Causby	SNA NC
Cindy Parker	SNA NC

## VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**05-07-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**

Garner Payne

MWC

Chris Minard

State Bd of Ed

Benjamin Lewis

$$N \subset A \Sigma$$

Appli Seni

70574



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-07-2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: *(Please Print)***

**FIRM OR AGENCY AND ADDRESS**

Levy Burt	School of Gov
Leanne W. Wynn	NCSEA
Butch Gurnelly	NC Bar A
C Hawkins	NCCAF
J. Ayne	NCCAT Bd of Trustees
M. M. M.	NCCAT
Tom BEAN	NC EDF

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**May 7, 2009  
11:00 A.M.  
Room 643 LOB**

**Representative Bell**  
*Presiding Chair*

### **CALL TO ORDER**

### **OPENING REMARKS**

<b>HB 364</b>	<b>SBOE Confirmations.</b>	<b>Representative Bell Representative Lucas</b>
<b>HB 365</b>	<b>Joint Session for SBOE Confirmations.</b>	<b>Representative Bell Representative Lucas</b>
<b>HB 695</b>	<b>University/Community College Energy Savings.</b>	<b>Representative Fisher Representative Justice Representative Harrison Representative Samuelson</b>
<b>HB 757</b>	<b>Two Orange Co. Schools Are Tech. Schools.</b>	<b>Representative Faison</b>
<b>HB 1140</b>	<b>Educ. Assistance for Minimum Wage Workers.</b>	<b>Representative Blackwood Representative Wilkins Representative Johnson Representative Pierce</b>
<b>HB 1371</b>	<b>Limit Use of Child Nutrition Prog. Funds.</b>	<b>Representative Yongue Representative Glazier Representative Insko Representative Johnson</b>
<b>HB 1372</b>	<b>Eliminate Reduced Cost School Meals.</b>	<b>Representative Yongue Representative Glazier Representative Martin Representative Rapp</b>
<b>HB 1504</b>	<b>Transfer NCCAT to SBE.</b>	<b>Representative Haire</b>
<b>HB 1520</b>	<b>Tuition Surcharge/Double Major or 2 Degrees.</b>	<b>Representative Tolson Representative Hughes</b>

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HJR 364**                      A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE  
APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF  
EDUCATION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

H

1

**HOUSE JOINT RESOLUTION 364**

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**Sponsors:** Representatives Lucas, Bell (Primary Sponsors); and E. Floyd.

---

**Referred to:** Education.

---

March 3, 2009

1 A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE  
2 APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE  
3 BOARD OF EDUCATION.

4 Whereas, under the provisions of the Constitution of North Carolina and  
5 G.S. 115C-10, appointments by the Governor to membership on the State Board of Education  
6 are subject to confirmation by the General Assembly in joint session; and

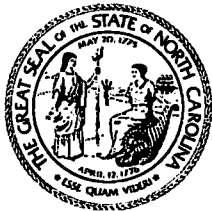
7 Whereas, the Governor has transmitted to the presiding officers of the Senate and  
8 the House of Representatives the names of her appointees to fill the terms of membership on  
9 the State Board of Education which expire March 31, 2017; Now, therefore,  
10 Be it resolved by the House of Representatives, the Senate concurring:

11 **SECTION 1.** The appointments of three persons to membership on the State Board  
12 of Education for terms to expire March 31, 2017, are confirmed.

13 **SECTION 2.** This resolution is effective upon ratification.



\* H 3 6 4 - V - 1 \*



## HOUSE JOINT RESOLUTION 364: SBOE Confirmations

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Lucas, Bell  
**Analysis of:** First Edition

**Date:** May 7, 2009  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *HJR 364 will provide for the confirmation of three members to the State Board of Education when those members are appointed by the Governor.*

**CURRENT LAW:** Article IX, Section 4 of the North Carolina Constitution establishes the State Board of Education, and requires the Governor to appoint 11 members of the State Board in overlapping terms, subject to confirmation by the General Assembly in joint session. The Governor must appoint one member to the Board from each of the eight education districts and three members are appointed at large.

G.S. 115C-10 requires the Governor to transmit to the presiding officers of the Senate and House, on or before the 60<sup>th</sup> legislative day, the names of the persons appointed and submitted to the General Assembly for confirmation. Pursuant to joint resolution, the Senate and House of Representatives must meet in joint session for consideration of an action upon such appointments.

**BILL ANALYSIS:** HJR 364 will be acted on by the Senate and House of Representatives in joint session to provide for the confirmation of three members to the State Board of Education when those members are appointed by the Governor.

**EFFECTIVE DATE:** HJR 364 will become effective upon ratification.

**BACKGROUND:** The following three members of the State Board of Education have terms which expired on March 31, 2009:

- Ray Durham (2<sup>nd</sup> Educational District)
- Wayne McDevitt (8<sup>th</sup> Educational District)
- Patricia N. Willoughby (Member at Large)

*H364-SMTC-81(e1) v2*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HJR 365**                    A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE  
GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR  
CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO  
THE STATE BOARD OF EDUCATION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE JOINT RESOLUTION 365**

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**Sponsors:** Representatives Bell, Lucas (Primary Sponsors); and E. Floyd.

---

**Referred to:** Education.

---

March 3, 2009

1 A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL  
2 ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR  
3 CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW  
4 MEMBERS TO THE STATE BOARD OF EDUCATION.

5       Whereas, under the provisions of the Constitution of North Carolina and  
6 G.S. 115C-10, appointments by the Governor to membership on the State Board of Education  
7 are subject to confirmation by the General Assembly in joint session; and

8       Whereas, vacancies have occurred on the State Board of Education; and

9       Whereas, the Governor has transmitted to the presiding officers of the Senate and  
10 the House of Representatives the names of her appointees to fill the terms of membership on  
11 the State Board of Education which expire March 31, 2017; Now, therefore,

12 Be it resolved by the House of Representatives, the Senate concurring:

13       **SECTION 1.** Upon the call of the Speaker of the House of Representatives and the  
14 President Pro Tempore of the Senate, the General Assembly shall meet in joint session to act on  
15 a joint resolution providing for confirmation of the appointments by the Governor of new  
16 members to the State Board of Education.

17       **SECTION 2.** This resolution is effective upon ratification.



\* H 3 6 5 - V - 1 \*



## HOUSE JOINT RESOLUTION 365: Joint Session for SBOE Confirmations

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Bell, Lucas  
**Analysis of:** First Edition

**Date:** May 7, 2009  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *HJR 365 will provide for a joint session of the General Assembly to act on a joint resolution to confirm three members to the State Board of Education when those members are appointed by the Governor.*

**CURRENT LAW:** Article IX, Section 4 of the North Carolina Constitution establishes the State Board of Education, and requires the Governor to appoint 11 members of the State Board in overlapping terms, subject to confirmation by the General Assembly in joint session. The Governor must appoint one member to the Board from each of the eight education districts and three members are appointed at large.

G.S. 115C-10 requires the Governor to transmit to the presiding officers of the Senate and House, on or before the 60<sup>th</sup> legislative day, the names of the persons appointed and submitted to the General Assembly for confirmation. Pursuant to joint resolution, the Senate and House of Representatives must meet in joint session for consideration of an action upon such appointments.

**BILL ANALYSIS:** HJR 365 provides for a joint session of the House of Representatives and Senate to act on a joint resolution confirming three members to the State Board of Education when those members are appointed by the Governor. The joint session of the General Assembly shall meet upon the call of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

**EFFECTIVE DATE:** HJR 365 will become effective upon ratification.

**BACKGROUND:** The following three members of the State Board of Education have terms which expired on March 31, 2009:

- Ray Durham (2<sup>nd</sup> Educational District)
- Wayne McDevitt (8<sup>th</sup> Educational District)
- Patricia N. Willoughby (Member at Large)

H365-SMTC-82(el) v1



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 695** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY ENERGY SAVINGS REALIZED BY CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND BY COMMUNITY COLLEGES WITHIN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY REMAIN AVAILABLE TO THE INSTITUTION OR COMMUNITY COLLEGE FOR OTHER FACILITY UPGRADES RELATED TO REDUCING ENERGY AND WATER CONSUMPTION AT THE INSTITUTION OR COMMUNITY COLLEGE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on ENERGY AND ENERGY EFFICIENCY.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 695

Short Title: University/Community College Energy Savings. (Public)

Sponsors: Representatives Fisher, Justice, Harrison, Samuelson (Primary Sponsors);  
M. Alexander, Bell, Bordsen, Cotham, Faison, Farmer-Butterfield, E. Floyd,  
Glazier, Insko, Lucas, Luebke, Martin, Parmon, Rapp, Tarleton, and Wray.

Referred to: Education, if favorable, Energy and Energy Efficiency, if favorable,  
Appropriations.

March 23, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT ANY ENERGY SAVINGS REALIZED BY CONSTITUENT  
3 INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND BY  
4 COMMUNITY COLLEGES WITHIN THE NORTH CAROLINA COMMUNITY  
5 COLLEGE SYSTEM MAY REMAIN AVAILABLE TO THE INSTITUTION OR  
6 COMMUNITY COLLEGE FOR OTHER FACILITY UPGRADES RELATED TO  
7 REDUCING ENERGY AND WATER CONSUMPTION AT THE INSTITUTION OR  
8 COMMUNITY COLLEGE.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. Article 3B of Chapter 143 of the General Statutes is amended by  
11 adding a new Part to read:

12 "Part 3. Energy Conservation Encouraged at State Universities and Community Colleges.

13 "§ 143-64.30. Energy conservation encouraged at universities and community colleges;  
14 energy savings available for further energy conservation.

15 (a) State Policy. – It is the policy of this State to include in its State plans for energy use  
16 the financial tools for The University of North Carolina and the North Carolina Community  
17 College System to be able to upgrade existing facilities so that energy conservation measures  
18 can be implemented in order to reduce energy and water consumption. Accordingly, the utility  
19 budget of a constituent institution of The University of North Carolina or a community college  
20 within the North Carolina Community College System shall not be decreased by the amount  
21 that represents energy savings, but shall be made available for implementing further energy  
22 conservation measures at the university as provided in G.S. 116-35.1 and at the community  
23 college as provided in G.S. 115D-58.16, so long as the university or community college  
24 complies with the requirements of this Part.

25 (b) Establish Baseline. – Each constituent institution college seeking to use energy  
26 savings for further energy conservation under G.S. 116-35.1 and each community college  
27 seeking to use energy savings for further energy conservation under G.S. 115D-58.16 shall  
28 conduct an energy consumption analysis of its facilities in order to establish a baseline for  
29 energy and water consumption for a facility before an energy conservation measure is  
30 implemented. Each constituent institution and each community college shall monitor and  
31 calculate energy and water use for each of its facilities.

32 (c) Proposal Required. – Prior to a constituent institution or a community college  
33 implementing an energy conservation measure under this Part, the institution or community  
34 college shall submit to the Energy Office a proposal that provides an estimate of all costs



1 associated with implementing the energy conservation measure, including preinstallation costs;  
2 the cost of analyzing the projected energy savings; design costs, engineering costs, installation  
3 costs, debt service, and any costs for converting to an alternative energy source; and  
4 post-installation costs. The proposal shall include an analysis that identifies projected annual  
5 energy savings and the estimated payback period. The proposal under this section shall be  
6 approved by a licensed architect or professional engineer prior to being submitted to the Energy  
7 Office.

8 (d) Calculate Energy Savings and Payback Period. – After a constituent institution or a  
9 community college implements an energy conservation measure under this Part, the institution  
10 or the community college shall monitor and calculate actual energy savings from the energy  
11 conservation measure for the remainder of the life of the facility and shall calculate the actual  
12 payback period for each energy conservation measure implemented.

13 (e) Report Required. – Once the energy conservation measure is implemented, the  
14 constituent institution shall report to the Energy Office and the Director of the Budget or the  
15 community college shall report to the Energy Office, whichever applies. The report shall  
16 include all the information that is required to be included in the proposal under subsection (c)  
17 of this section.

18 (f) Guaranteed Energy Savings Contracts. – Subsections (b) through (d) of this section  
19 do not apply to energy conservation measures that are subject to guaranteed energy savings  
20 contracts under Part 2 of this Article.

21 (g) The Department of Administration may adopt rules to implement this Part.

22 (h) Definitions. – As used in this section, the following definitions apply:

23 (1) Energy conservation measure. – Defined in G.S. 143-64.17.

24 (2) Energy consuming system. – Defined in G.S. 143-64.11.

25 (3) Energy consumption analysis. – Defined in G.S. 143-64.11.

26 (4) Energy Office. – Defined in G.S. 143-64.11.

27 (5) Energy savings. – Defined in G.S. 143-64.17.

28 (6) Facility. – Defined in G.S. 143-64.11."

29 **SECTION 2.** Article 1 of Chapter 116 of the General Statutes is amended by  
30 adding a new section to read:

31 **"§ 116-35.1. Energy savings credited to nonreverting account.**

32 (a) The General Fund current operations appropriations credit balance remaining at the  
33 end of each fiscal year in the budget code for utilities of a constituent institution that is energy  
34 savings realized from implementing an energy conservation measure under Part 3 of Article 3B  
35 of Chapter 143 of the General Statutes shall be credited to a nonreverting account for the  
36 institution to be used for only energy conservation measures for that institution. The Director of  
37 the Budget, under the authority set forth in G.S. 143C-6-2, with the assistance of the State  
38 Energy Office of the Department of Administration, shall establish the General Fund current  
39 operations credit balance in the budget code for utilities that are energy savings at an institution  
40 under this section.

41 (b) The General Fund current operations appropriations credit balance remaining at the  
42 end of each fiscal year in the budget code for utilities of a constituent institution that is energy  
43 savings under this section shall not be carried forward and shall not be used for one-time  
44 expenditures under G.S. 116-30.3.

45 (c) As used in this section, 'energy savings' and 'energy conservation measure' have the  
46 same meaning as in G.S. 143-64.17."

47 **SECTION 3.** Article 5 of Chapter 115D of the General Statutes is amended by  
48 adding a new section to read:

49 **"§ 115D-58.16. Energy budget savings carried forward.**

50 The County Current Fund current operating expenses year-end credit balance in the account  
51 for utilities for a community college that is energy savings realized from implementing an

1 energy conservation measure under Part 3 of Article 3B of Chapter 143 of the General Statutes  
2 shall be transferred by the community college to a restricted Institutional Fund account and  
3 shall remain available for only energy conservation measures for that community college. As  
4 used in this section, 'energy savings' and 'energy conservation measure' have the same meaning  
5 as in G.S. 143-64.17."

6 **SECTION 4.** This act becomes effective July 1, 2009, and applies to contracts  
7 entered into on or after that date.



# HOUSE BILL 695: University/Community College Energy Savings

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Energy and Energy Efficiency, if favorable, Appropriations	<b>Date:</b>	May 7, 2009
<b>Introduced by:</b>	Reps. Fisher, Justice, Harrison, Samuelson	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 695 would allow any energy savings realized by the constituent institutions of The University of North Carolina and by North Carolina community colleges to remain available to them for other facility upgrades related to reducing energy and water consumption.*

## **BILL ANALYSIS:**

**Section 1: State Policy:** The bill sets forth that the utility budget of a constituent institution of The University of North Carolina or a North Carolina community college may not be decreased by the amount that represents energy savings. Those savings are to be made available to the constituent institution or community college to implement energy conservation measures.

**Baseline Established:** Each constituent institution or community college that wishes to participate must conduct an energy consumption analysis of its facilities to establish a baseline for energy and water consumption for a facility before a conservation measure is implemented. Energy and water use for each facility must be monitored and calculated.

**Required Proposal and Reports:** Before a constituent institution or community college implements conservation measures, it must submit a proposal to the State Energy Office of the Department of Administration (Energy Office) that provides an estimate of all costs associated with implementing the conservation measure. The proposal must include an analysis that identifies projected annual savings and the estimated payback period. Before submission, the proposal must be approved by a licensed architect or professional engineer. Once the conservation measure is implemented, reports must be made to the Energy Office and the Director of the Budget.

**Energy Savings and Payback Period:** Once an energy conservation measure is implemented, then actual energy savings from the conservation measure must be monitored and calculated for the remainder of the life of the facility. The actual payback period shall also be calculated.

This section would not apply to energy conservation measures subject to guaranteed energy saving contracts which are contracts for the evaluation, recommendation, or implementation of energy conservation measures where all payments are made over time and in which energy savings are guaranteed to exceed costs. G.S. 143-64.17(3)

**Section 2** provides that the General Fund current appropriations credit balance remaining at the end of each fiscal year in the budget code for the utilities of a constituent institution that is energy savings realized from an energy conservation measure must be credited to a nonreverting account for the institution to be used only for energy conservation measures for that institution. The credit balance cannot be carried forward and cannot be used for one-time expenditures.

**Section 3** provides that the County Current Fund current operating expenses year-end credit balance in the account for utilities for a community college that is energy savings realized from an energy conservation measure must be transferred by the community college to a restricted Institutional Fund account and be available only for energy conservation measures for that community college.

**EFFECTIVE DATE:** The bill would become effective July 1, 2009 and apply to contracts entered into on or after that date.

H695-SMRQ-70(e1) v3

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1140**                      A BILL TO BE ENTITLED AN ACT TO PROVIDE EDUCATIONAL  
ASSISTANCE FOR MINIMUM WAGE WORKERS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and  
recommendation that the committee substitute bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1140**

**Short Title:** Educ. Assistance for Minimum Wage Workers. (Public)

**Sponsors:** Representatives Blackwood, Wilkins, Johnson, Pierce (Primary Sponsors); K. Alexander, Allred, Bell, Brisson, Bryant, Burr, Burris-Floyd, Cleveland, Cotham, Dockham, Dollar, Faison, Farmer-Butterfield, E. Floyd, Guice, Gulley, Hall, Harrell, Harrison, Holliman, Howard, Hughes, Hurley, Jones, Justice, Justus, Lucas, Mackey, Mobley, Moore, Neumann, Owens, Parmon, Samuelson, Starnes, Sutton, Tillis, Wainwright, Wiley, Womble, Wray, and Yongue.

**Referred to:** Education, if favorable, Appropriations.

April 7, 2009

**A BILL TO BE ENTITLED  
AN ACT TO PROVIDE EDUCATIONAL ASSISTANCE FOR MINIMUM WAGE  
WORKERS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 35A of Chapter 115C of the General Statutes reads as rewritten:

"Article 35A.

"College Scholarships.

**"§ 115C-499.1. Definitions.**

The following definitions apply to this Article:

- (1) Academic year. – A period of time in which a student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.
- (2) Authority. – The State Education Assistance Authority created by Article 23 of Chapter 116 of the General Statutes.
- (3) Eligible postsecondary institution. – A school that is:
  - a. A constituent institution of The University of North Carolina as defined in G.S. 116-2(4);
  - b. A community college as defined in G.S. 115D-2(2);
  - c. A nonprofit postsecondary institution as defined in G.S. 116-22(1) or G.S. 116-43.5(a)(1); or
  - d. A postsecondary institution owned or operated by a hospital authority as defined in G.S. 131E-16(14) or school of nursing affiliated with a nonprofit postsecondary institution as defined in G.S. 116-22(1).
- (4) Matriculated status. – Being recognized as a student in a defined program of study leading to a degree, diploma, or certificate at an eligible postsecondary institution.
- (5) Scholarship. – A scholarship for education awarded under this Article.
- (6) Title IV. – Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070, et seq.

**"§ 115C-499.1A. Eligibility requirements for a scholarship for a minimum wage worker.**



\* H 1 1 4 0 - V - 1 \*

(a) A student must meet all of the following requirements in order to be eligible to receive a scholarship for a minimum wage worker under this Article:

(1) The student must have worked full time for at least 18 consecutive months in a minimum wage or subminimum wage job. Applicants who have worked the greatest number of consecutive months at such jobs shall receive special consideration in awarding the scholarships.

(2) The student must qualify as a legal resident of North Carolina and as a resident for tuition purposes in accordance with definitions of residency that may from time to time be adopted by the Board of Governors and published in the residency manual of the Board of Governors.

(3) The student must meet enrollment standards by one of the following methods:

a. Being admitted and enrolled in a basic skills program at a community college as defined in G.S. 115D-2(2). In order to continue to be eligible for a scholarship for a second academic year, the student must meet achievement standards by maintaining satisfactory academic progress to enable the student to enter a degree, diploma, or certificate program at the community college in which the student is enrolled at the end of the second academic year or sooner.

b. Being admitted, enrolled, and classified as an undergraduate student in a matriculated status at an eligible postsecondary institution. In order to continue to be eligible for a scholarship for subsequent academic years, the student must meet achievement standards by maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the eligible postsecondary institution in which the student is enrolled.

(4) A student may not receive a scholarship for study in a basic skills program for more than two full academic years. A student may not receive a scholarship under this Article for more than four full academic years, including the academic years spent in a basic skills program.

**"§ 115C-499.2. Eligibility requirements for a scholarship, other scholarships.**

In order to be eligible to receive a scholarship under this Article, a ~~Except as provided in G.S. 115C-499.1A,~~ a student seeking a degree, diploma, or certificate at an eligible postsecondary institution must meet all of the following ~~requirements~~ requirements in order to be eligible to receive a scholarship under this Article:

(1) Only needy North Carolina students are eligible to receive scholarships. For purposes of this subsection, "needy North Carolina students" are those eligible students whose expected family contribution under the federal methodology does not exceed five thousand dollars (\$5,000).

(2) The student must meet all other eligibility requirements for the federal Pell Grant, with the exception of the expected family contribution.

(3) The student must qualify as a legal resident of North Carolina and as a resident for tuition purposes in accordance with definitions of residency that may from time to time be adopted by the Board of Governors and published in the residency manual of the Board of Governors.

(4) The student must meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status at an eligible postsecondary institution.

(5) In order to continue to be eligible for a scholarship for the student's second and subsequent academic years, the student must meet achievement



standards by maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the eligible postsecondary institution in which the student is enrolled.

- (6) A student may not receive a scholarship under this Article for more than four full academic years.

**"§ 115C-499.3. Scholarship amounts; amounts dependent on net income available.**

(a) ~~Subject to the amount of net income available under G.S. 18C-164(b)(2), a scholarship awarded under this Article to a student at an eligible postsecondary institution shall be based upon the enrollment status and expected family contribution of the student and shall not exceed four thousand dollars (\$4,000) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.~~

(b) Subject to the maximum amounts provided in this section, the Authority shall have the power to determine the actual scholarship amounts disbursed to students in any given year based on the amount of net income available under Chapter 18C of the General Statutes. If the net income available is not sufficient to fully fund the scholarships to the maximum amount, all scholarships shall be reduced equally, to the extent practicable, so that every eligible applicant shall receive a proportionate scholarship amount.

First priority for five percent (5%) of the net income available under G.S. 18C-164(c)(3) shall be to provide scholarships for minimum wage workers. If these funds are not adequate to fund all eligible scholarships for a year, this amount shall be increased for subsequent years to ten percent (10%) of the net income available under G.S. 18C-164(c)(3). Funds not committed for these scholarships by September 1 of a year may be used for other scholarships.

(b1) Subject to the amount of net income available under G.S. 18C-164(c)(3):

(1) A scholarship for a minimum wage worker awarded to a student admitted to and enrolled in a basic skills program at an eligible postsecondary institution shall not exceed eleven thousand dollars (\$11,000) per academic year.

(2) A scholarship for a minimum wage worker awarded to a student who is not eligible for any federal Pell Grant and who is admitted, enrolled, and classified as an undergraduate student in a matriculated status at an eligible postsecondary institution shall not exceed eleven thousand dollars (\$11,000) per academic year.

(3) A scholarship for a minimum wage worker awarded to a student who is eligible for a federal Pell Grant shall be based upon the enrollment status and expected family contribution of the student and shall not exceed twelve thousand five hundred dollars (\$12,500) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.

(4) Any other scholarship for a student at an eligible postsecondary institution shall be based upon the enrollment status and expected family contribution of the student and shall not exceed four thousand dollars (\$4,000) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.

If the amount of net income available is not adequate to fully fund all scholarships, priority shall be given to scholarships for minimum wage workers.

(c) The minimum award of a scholarship under this Article shall be one hundred dollars (\$100.00).

**"§ 115C-499.4. Scholarship administration; reporting requirements.**

(a) The scholarships provided for in this Article shall be administered by the Authority under rules adopted by the Authority in accordance with the provisions of this Article.

1 (b) The Authority shall report no later than June 1, 2008, and annually thereafter to the  
2 Joint Legislative Education Oversight Committee. The report shall contain, for the previous  
3 academic year, the amount of scholarship and grant money disbursed, the number of students  
4 eligible for the funds, the number of eligible students receiving the funds, and a breakdown of  
5 the eligible postsecondary institutions that received the funds.

6 (c) The Authority may use up to one and one-half percent (1.5%) of the funds  
7 transferred in accordance with Chapter 18C of the General Statutes for administrative purposes.

8 (d) Scholarship funds unexpended shall remain available for future scholarships to be  
9 awarded under this Article.

10 (e) The State Education Assistance Authority shall report annually to the Joint  
11 Legislative Commission on Governmental Operations regarding the use of the funds allocated  
12 to the Authority under S.L. 2005-344."

13 **SECTION 2.** This act is effective when it becomes law. The first scholarships shall  
14 be awarded pursuant to this act for the 2010-2011 academic year.



# HOUSE BILL 1140: Educ. Assistance for Minimum Wage Workers

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 7, 2009
<b>Introduced by:</b>	Reps. Blackwood, Wilkins, Johnson, Pierce	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	PCS to First Edition H1140-CSRJ-22		Legislative Analyst

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**SUMMARY:** *House Bill 1140 would provide that first priority for 5% of the net income available from the North Carolina State Lottery Fund to fund college and university scholarships would be used to fund scholarships for minimum wage workers. Any remaining funds not committed for that purpose could be used for other scholarships. The State Education Assistance Authority shall report to the Joint Legislative Education Oversight Committee on an annual basis by June 1, 2011 on the amount of money disbursed, number of students eligible for and receiving funds, and the institutions that the students are enrolled in. The PCS corrects the reporting date to the Joint Legislative Education Oversight Committee.*

*House Bill 1140 has a serial referral to Appropriations.*

## **BILL ANALYSIS:**

First priority for 5% of the available funds for college scholarships under G.S. 18C-164(c)(3) shall be used to provide scholarships for minimum wage workers. If the funds are not adequate for all eligible recipients then the amount shall be increased for subsequent years to 10% of the available funds.

To qualify for the scholarship for a minimum wage worker an individual must:

- Have worked full time for at least 18 consecutive months in a minimum wage or subminimum wage job. Applicants who have worked the most consecutive months shall receive special consideration for the scholarships.
- Qualify as a legal resident of the State and as a resident for tuition purposes
- Meet enrollment standards

A student may not receive a scholarship for study in a basic skills program for more than 2 full academic years. A student may not receive a scholarship for more than 4 full academic years, including the academic years spent in a basic skills program.

## **Amount of scholarships**

Subject to the amount of net income available:

1. Student enrolled in a basic skills program at an eligible postsecondary institution -- shall not exceed \$11,000 per academic year
2. Student who is not eligible for any federal Pell Grant award and who is enrolled and classified as an undergraduate at an eligible postsecondary institution -- shall not exceed \$11,000 per academic year
3. Student who is eligible for a federal Pell grant shall be based on the enrollment status of the student and the expected family contribution -- shall not exceed \$12,500 per academic year, including any Pell Grant

# House Bill 1140

Page 2

4. Any other scholarship for a student an eligible postsecondary institution shall be based upon the enrollment status and expected family contribution – shall not exceed \$4,000 per academic year, including any federal Pell Grant

If the amount of net income is not adequate to fully fund all scholarships, priority shall be given to the scholarships for minimum wage workers.

The State Education Assistance Authority shall make an annual report to the Joint Legislative Education Oversight Committee beginning June 1, 2011 on the on the amount of money disbursed, number of students eligible for and receiving funds, and the institutions that the students are enrolled in. The Authority shall also make an annual report to the Joint Legislative Commission on Governmental Operations on the use of the funds.

**EFFECTIVE DATE:** The bill becomes effective when it becomes law and the first scholarships shall be awarded for the 2010-2011 academic year.

**CURRENT LAW:** In 2005, the General Assembly created a State Lottery in part to fund college and university scholarships. Education funding was allotted 35% of the total lottery revenues. The education funding is distributed in the following manner: 50% for More-at-Four and class size reduction, 40% for public school construction and 10% for scholarships for needy students.

**Scholarships. (Article 35A of Chapter 115C).** This section would create a scholarship program to be administered by the State Education Assistance Authority and funded by 10% of the net Lottery revenues from the 35% total revenues allocated for education funding. The scholarships would be need-based only and awarded to students for up to four academic years of postsecondary education, covering \$4,000 per year for education related expenses at any eligible postsecondary institution, with a minimum scholarship award of \$100. The scholarships would be intended to assist the neediest students in North Carolina by picking up where the federal Pell Grant program leaves off. A recipient of a federal Pell Grant can receive up to \$4,600 per year (through June 30, 2009), depending on his or her level of need. Each student who qualifies would receive a total of \$4,000 per academic year, including any Pell Grant money received.

Features of the scholarship program would include:

- Eligible students must be "needy". Need would be determined using the federal methodology, which determines the student's and family's capacity to pay for postsecondary education each year. A student would not be eligible if the student's expected family contribution exceeds \$5,000.
- Eligible students must meet all qualifications for a federal Pell Grant, other than the expected family contribution requirement.
- Eligible students must be enrolled at an eligible postsecondary institution (defined as a constituent institution of The University of North Carolina, a community college, or a nonpublic postsecondary institution).
- Eligible students must be legal residents of North Carolina.
- Once in school, a student must maintain satisfactory academic progress to continue to be eligible.

H1140-SMRJ-52(CSRJ-22) v1

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1140  
PROPOSED COMMITTEE SUBSTITUTE H1140-CSRJ-22 [v.1]

5/7/2009 9:22:00 AM

Short Title: Educ. Assistance for Minimum Wage Workers.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE EDUCATIONAL ASSISTANCE FOR MINIMUM WAGE  
WORKERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 35A of Chapter 115C of the General Statutes reads as  
rewritten:

"Article 35A.

"College Scholarships.

**"§ 115C-499.1. Definitions.**

The following definitions apply to this Article:

- (1) Academic year. – A period of time in which a student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.
- (2) Authority. – The State Education Assistance Authority created by Article 23 of Chapter 116 of the General Statutes.
- (3) Eligible postsecondary institution. – A school that is:
  - a. A constituent institution of The University of North Carolina as defined in G.S. 116-2(4);
  - b. A community college as defined in G.S. 115D-2(2);
  - c. A nonprofit postsecondary institution as defined in G.S. 116-22(1) or G.S. 116-43.5(a)(1); or
  - d. A postsecondary institution owned or operated by a hospital authority as defined in G.S. 131E-16(14) or school of nursing affiliated with a nonprofit postsecondary institution as defined in G.S. 116-22(1).
- (4) Matriculated status. – Being recognized as a student in a defined program of study leading to a degree, diploma, or certificate at an eligible postsecondary institution.
- (5) Scholarship. – A scholarship for education awarded under this Article.
- (6) Title IV. – Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070, et seq.

**"§ 115C-499.1A. Eligibility requirements for a scholarship for a minimum wage worker.**

**(a) A student must meet all of the following requirements in order to be eligible to receive a scholarship for a minimum wage worker under this Article:**



- (1) The student must have worked full time for at least 18 consecutive months in a minimum wage or subminimum wage job. Applicants who have worked the greatest number of consecutive months at such jobs shall receive special consideration in awarding the scholarships.
- (2) The student must qualify as a legal resident of North Carolina and as a resident for tuition purposes in accordance with definitions of residency that may from time to time be adopted by the Board of Governors and published in the residency manual of the Board of Governors.
- (3) The student must meet enrollment standards by one of the following methods:
  - a. Being admitted and enrolled in a basic skills program at a community college as defined in G.S. 115D-2(2). In order to continue to be eligible for a scholarship for a second academic year, the student must meet achievement standards by maintaining satisfactory academic progress to enable the student to enter a degree, diploma, or certificate program at the community college in which the student is enrolled at the end of the second academic year or sooner.
  - b. Being admitted, enrolled, and classified as an undergraduate student in a matriculated status at an eligible postsecondary institution. In order to continue to be eligible for a scholarship for subsequent academic years, the student must meet achievement standards by maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the eligible postsecondary institution in which the student is enrolled.
- (4) A student may not receive a scholarship for study in a basic skills program for more than two full academic years. A student may not receive a scholarship under this Article for more than four full academic years, including the academic years spent in a basic skills program.

**"§ 115C-499.2. Eligibility requirements for a scholarship other scholarships.**

~~In order to be eligible to receive a scholarship under this Article, a~~ Except as provided in G.S. 115C-499.1A, a student seeking a degree, diploma, or certificate at an eligible postsecondary institution must meet all of the following requirements: ~~requirements in order to be eligible to receive a scholarship under this Article:~~

- (1) Only needy North Carolina students are eligible to receive scholarships. For purposes of this subsection, "needy North Carolina students" are those eligible students whose expected family contribution under the federal methodology does not exceed five thousand dollars (\$5,000).
- (2) The student must meet all other eligibility requirements for the federal Pell Grant, with the exception of the expected family contribution.
- (3) The student must qualify as a legal resident of North Carolina and as a resident for tuition purposes in accordance with definitions of residency that may from time to time be adopted by the Board of Governors and published in the residency manual of the Board of Governors.
- (4) The student must meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status at an eligible postsecondary institution.
- (5) In order to continue to be eligible for a scholarship for the student's second and subsequent academic years, the student must meet achievement standards by maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV

programs by the eligible postsecondary institution in which the student is enrolled.

- (6) A student may not receive a scholarship under this Article for more than four full academic years.

**"§ 115C-499.3. Scholarship amounts; amounts dependent on net income available.**

(a) ~~Subject to the amount of net income available under G.S. 18C-164(b)(2), a scholarship awarded under this Article to a student at an eligible postsecondary institution shall be based upon the enrollment status and expected family contribution of the student and shall not exceed four thousand dollars (\$4,000) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.~~

(b) Subject to the maximum amounts provided in this section, the Authority shall have the power to determine the actual scholarship amounts disbursed to students in any given year based on the amount of net income available under Chapter 18C of the General Statutes. If the net income available is not sufficient to fully fund the scholarships to the maximum amount, all scholarships shall be reduced equally, to the extent practicable, so that every eligible applicant shall receive a proportionate scholarship amount.

First priority for five percent (5%) of the net income available under G.S. 18C-164(c)(3) shall be to provide scholarships for minimum wage workers. If these funds are not adequate to fund all eligible scholarships for a year, this amount shall be increased for subsequent years to ten percent (10%) of the net income available under G.S. 18C-164(c)(3). Funds not committed for these scholarships by September 1 of a year may be used for other scholarships.

(b1) Subject to the amount of net income available under G.S. 18C-164(c)(3):

(1) A scholarship for a minimum wage worker awarded to a student admitted to and enrolled in a basic skills program at an eligible postsecondary institution shall not exceed eleven thousand dollars (\$11,000) per academic year.

(2) A scholarship for a minimum wage worker awarded to a student who is not eligible for any federal Pell Grant and who is admitted, enrolled, and classified as an undergraduate student in a matriculated status at an eligible postsecondary institution shall not exceed eleven thousand dollars (\$11,000) per academic year.

(3) A scholarship for a minimum wage worker awarded to a student who is eligible for a federal Pell Grant shall be based upon the enrollment status and expected family contribution of the student and shall not exceed twelve thousand five hundred dollars (\$12,500) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.

(4) Any other scholarship for a student at an eligible postsecondary institution shall be based upon the enrollment status and expected family contribution of the student and shall not exceed four thousand dollars (\$4,000) per academic year, including any federal Pell Grant, to be used for the costs of attendance as defined for federal Title IV programs.

If the amount of net income available is not adequate to fully fund all scholarships, priority shall be given to scholarships for minimum wage workers.

(c) The minimum award of a scholarship under this Article shall be one hundred dollars (\$100.00).

**"§ 115C-499.4. Scholarship administration; reporting requirements.**

(a) The scholarships provided for in this Article shall be administered by the Authority under rules adopted by the Authority in accordance with the provisions of this Article.

(b) The Authority shall report no later than June 1, 2011 and annually thereafter to the Joint Legislative Education Oversight Committee. The report shall contain, for the previous academic year, the amount of scholarship and grant money disbursed, the number of students



1 eligible for the funds, the number of eligible students receiving the funds, and a breakdown of  
2 the eligible postsecondary institutions that received the funds.

3 (c) The Authority may use up to one and one-half percent (1.5%) of the funds  
4 transferred in accordance with Chapter 18C of the General Statutes for administrative purposes.

5 (d) Scholarship funds unexpended shall remain available for future scholarships to be  
6 awarded under this Article.

7 (e) The State Education Assistance Authority shall report annually to the Joint  
8 Legislative Commission on Governmental Operations regarding the use of the funds allocated  
9 to the Authority under S.L. 2005-344."

10 **SECTION 2.** This act is effective when it becomes law. The first scholarships shall  
11 be awarded pursuant to this act for the 2010-2011 academic year.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1371**                      A BILL TO BE ENTITLED AN ACT TO PLACE LIMITATIONS ON THE  
USE OF FUNDS APPROPRIATED FOR THE CHILD NUTRITION PROGRAM.

☒ Without prejudice as to the committee substitute bill, unfavorable as to the original bill, and  
recommendation that the committee substitute bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1371**

**Short Title:** Limit Use of Child Nutrition Prog. Funds. (Public)

**Sponsors:** Representatives Yongue, Glazier, Insko, Johnson (Primary Sponsors); Bell, Cotham, Dickson, Faison, Gibson, Harrison, Lucas, McLawhorn, Parmon, Tarleton, Tolson, and Wray.

**Referred to:** Education, if favorable, Appropriations.

April 9, 2009

- 1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PLACE LIMITATIONS ON THE USE OF FUNDS APPROPRIATED FOR  
3 THE CHILD NUTRITION PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** State funds appropriated to the Department of Public Instruction for  
6 the Child Nutrition Program, including funds for the indirect costs of the Program, shall be  
7 used only for the Child Nutrition Program.  
8       The State Board of Education shall not pay funds for indirect costs to a Child Nutrition  
9 Program until that Program achieves and sustains a three-month operating balance.  
10       **SECTION 2.** This act becomes effective July 1, 2009.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1371  
PROPOSED COMMITTEE SUBSTITUTE H1371-CSLE-20 [v.3]**

4/28/2009 9:34:09 AM

Short Title: Limit Use of Child Nutrition Prog. Funds.

(Public)

Sponsors:

Referred to:

April 9, 2009

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PLACE LIMITATIONS ON THE USE OF FUNDS APPROPRIATED FOR  
3 THE CHILD NUTRITION PROGRAM.  
4 The General Assembly of North Carolina enacts:  
5       **SECTION 1.** Child Nutrition funds appropriated to the Department of Public  
6 Instruction for the Child Nutrition Program shall be used only for the Child Nutrition Program.  
7 The Child Nutrition Program shall not pay any funds for indirect costs to a local school  
8 administrative unit until the unit's Child Nutrition Program achieves and sustains a three-month  
9 operating balance.  
10       **SECTION 2.** This act becomes effective July 1, 2009.



\* H 1 3 7 1 - C S L E - 2 0 - V - 3 \*



## HOUSE BILL 1371: Limit Use of Child Nutrition Prog. Funds

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 7, 2009
<b>Introduced by:</b>	Reps. Yongue, Glazier, Insko, Johnson	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to First Edition		Legislative Analyst
	H1371-CSLE-20		

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**SUMMARY:** *The Proposed Committee Substitute (PCS) to House Bill 1371 would:*

- *require that Child Nutrition Funds appropriated to the Department of Public Instruction for the Child Nutrition Program be used only for the Child Nutrition Program; and*
- *prohibit the Child Nutrition Program from paying any funds for indirect costs to a local school administrative unit until the unit's Child Nutrition Program achieves and sustains a three-month operating balance.*

*The PCS would make technical and clarifying changes to the bill.*

*The PCS for House Bill 1371 has a serial referral to Appropriations.*

**EFFECTIVE DATE:** The act would become effective July 1, 2009.

**BACKGROUND:** The National School Lunch Program is a federally assisted meal program operating in public and non-profit private schools and residential child care institutions. It provides nutritionally balanced, low-cost or free lunches to millions of children each school day. In 1998, Congress expanded the National School Lunch Program to include reimbursement for snacks served to children in after school educational and enrichment programs to include children through 18 years of age.

The Food and Nutrition Service administers the program at the Federal level. At the State level, the National School Lunch Program is usually administered by State education agencies, which operate the program through agreements with school food authorities.

Generally, public or nonprofit private schools of high school grade or under and public or nonprofit private residential child care institutions may participate in the school lunch program. School districts and independent schools that choose to take part in the lunch program get cash subsidies and donated commodities from the U.S. Department of Agriculture (USDA) for each meal they serve. In return, they must serve lunches that meet Federal requirements, and they must offer free or reduced price lunches to eligible children. School food authorities can also be reimbursed for snacks served to children through age 18 in after school educational or enrichment programs.

H1371-SMSF-53(CSLE-20) v4

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 757**      A BILL TO BE ENTITLED AN ACT TO DESIGNATE TWO HIGH SCHOOLS IN THE ORANGE COUNTY SCHOOL ADMINISTRATIVE UNIT AS TECHNOLOGY HIGH SCHOOLS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 757**

Short Title: Two Orange Co. Schools Are Tech. Schools . (Local)

Sponsors: Representative Faison.

Referred to: Education, if favorable, Appropriations.

March 25, 2009

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO DESIGNATE TWO HIGH SCHOOLS IN THE ORANGE COUNTY SCHOOL  
3 ADMINISTRATIVE UNIT AS TECHNOLOGY HIGH SCHOOLS.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Orange High School and Cedar Ridge High School in Hillsborough  
6 are hereby designated technology high schools.  
7 SECTION 2. This act applies only to the Orange County School Administrative  
8 Unit.  
9 SECTION 3. This act is effective when it becomes law.





## **HOUSE BILL 757: Two Orange Co. Schools Are Tech. Schools**

*2009-2010 General Assembly*

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 6, 2009
<b>Introduced by:</b>	Rep. Faison	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

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***SUMMARY:*** *House Bill 757 is a local bill that would designate Orange High School and Cedar Ridge High School as technology high schools. The bill applies only to the Orange County School Administrative Unit and is effective when it becomes law. The bill has a serial referral to House Appropriations Committee.*

*H757-SMRJ-50(e1) v1.*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1504** A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1504

Short Title:	Transfer NCCAT to SBE.	(Public)
Sponsors:	Representatives Haire; Fisher and Rapp.	
Referred to:	Education, if favorable, Appropriations.	

April 13, 2009

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE  
3 ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION.

4 The General Assembly of North Carolina enacts:

5           **SECTION 1.** The North Carolina Center for the Advancement of Teaching is  
6 transferred from the Board of Governors of The University of North Carolina to the State  
7 Board of Education. The Center shall be located administratively under the State Board of  
8 Education but shall exercise its powers and duties through its own board of trustees. The board  
9 of trustees shall have full authority regarding all aspects of employment and contracts for the  
10 North Carolina Center for the Advancement of Teaching in accordance with State personnel  
11 policies and contract procedures.

12           This transfer shall include (i) ownership, possession, and control of the properties  
13 located at Cullowhee and Ocracoke including buildings, grounds, personal property, vehicles,  
14 and equipment, and (ii) the resources, assets, liabilities, and operations maintained, possessed,  
15 or controlled by the North Carolina Center for the Advancement of Teaching prior to the  
16 transfer.

17           Upon the transfer, all duties and responsibilities of The University of North  
18 Carolina, including Western Carolina University, shall cease except as may be agreed upon by  
19 the parties.

20           Preferred status shall be granted to Western Carolina University for the transfer by  
21 the State of North Carolina of any real property located in Cullowhee that is no longer used or  
22 occupied by NCCAT after the transfer.

23           **SECTION 2.(a)** G.S. 116-74.6 is recodified as G.S. 115C-296.5.

24           **SECTION 2.(b)** G.S. 115C-296.5 reads as rewritten:

25 "**§ 115C-296.5. North Carolina Center for the Advancement of Teaching**  
26 **established; Teaching; powers and duties of trustees.**

27           (a) ~~The Board of Governors of The University of North Carolina established the North~~  
28 ~~Carolina Center for the Advancement of Teaching pursuant to Section 74 of S.L. 1985-479.~~  
29 ~~The Center shall be a center of The University of North Carolina Board of Governors. It shall~~  
30 ~~be the function of the~~ The North Carolina Center for the Advancement of Teaching (hereinafter  
31 called "NCCAT"), through itself or agencies with which it may contract, to contract, shall:

32           (1) ~~provide~~ Provide career teachers with opportunities to study advanced topics  
33 in the sciences, arts, and humanities and to engage in informed discourse,  
34 assisted by able mentors and outstanding leaders from all walks of life; and  
35 ~~otherwise to offer opportunity and~~



(2) Offer opportunities for teachers to engage in scholarly pursuits, through pursuits through a center dedicated exclusively to the advancement of teaching as an art and as a profession.

(b) NCCAT may also provide training and support for beginning teachers to enhance their skills and in support of the State's effort to recruit and retain beginning teachers.

(c) ~~The Board of Governors of The University of North Carolina shall establish the~~  
Board of Trustees of the North Carolina Center for the Advancement of Teaching  
~~Board of Trustees and shall delegate to the Board of Trustees~~shall hold all the powers and duties the  
~~Board of Governors considers necessary or appropriate for the effective discharge of the~~  
functions of NCCAT."

SECTION 3.(a) G.S. 116-74.7 is recodified as G.S. 115C-296.6.

SECTION 3.(b) G.S. 115C-296.6 reads as rewritten:

"§ 115C-296.6. Composition of board of trustees; terms; officers.

(a) The NCCAT Board of Trustees shall be composed of the following membership:

(1) ~~Three~~Two ex officio members: ~~the President of The University of North Carolina, the Chairman of the State Board of Education and the State Superintendent of Public Instruction, and the Chancellor of Western Carolina University, or their designees;~~

(2) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate;

(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and

(4) Eight members appointed by the ~~Board of Governors, Governor,~~ one from each of the eight educational regions.

The appointing authorities shall give consideration to assuring, through Board membership, the statewide mission of NCCAT.

(b) Members of the NCCAT Board of Trustees shall serve four-year terms. Members may serve two consecutive four-year terms. The Board shall elect a new ~~chairman~~chair every two years from its membership. The ~~Chairman~~chair may serve two consecutive two-year terms as ~~chairman~~chair.

(c) The chief administrative officer of NCCAT shall be an executive director. ~~The Board of Governors of The University of North Carolina shall appoint the executive director and set the compensation of the executive director on the recommendation of the President of The University of North Carolina. The President shall recommend the executive director from a list of not fewer than two names nominated by the NCCAT Board of Trustees.~~

~~The executive director shall report to and serve at the pleasure of the President of The University of North Carolina; provided that the President shall not terminate the employment of the executive director without prior consultation with the NCCAT Board of Trustees.~~  
director who shall be appointed by the NCCAT Board of Trustees."

SECTION 4. G.S. 126-5(c1) is amended by adding a new subdivision to read:

"(29) The Executive Director, Deputy Director, all other directors, assistant, and associate directors, and center fellows of the North Carolina Center for the Advancement of Teaching."

SECTION 5. Existing appointed members of the NCCAT Board of Trustees shall continue to serve until their current terms expire. Their successors shall be appointed as provided in G.S. 115C-296.6, as rewritten by Section 3 of this act.

SECTION 6. This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1504  
PROPOSED COMMITTEE SUBSTITUTE H1504-CSTC-36 [v.1]

5/6/2009 4:20:44 PM

Short Title: Transfer NCCAT to SBE.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE  
ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The North Carolina Center for the Advancement of Teaching is transferred from the Board of Governors of The University of North Carolina to the State Board of Education. The Center shall be located administratively under the State Board of Education but shall exercise its powers and duties through its own board of trustees. The board of trustees shall have full authority regarding all aspects of employment and contracts for the North Carolina Center for the Advancement of Teaching in accordance with State personnel policies and contract procedures.

This transfer shall include (i) ownership, possession, and control of the properties located at Cullowhee and Ocracoke including buildings, grounds, personal property, vehicles, and equipment, and (ii) the resources, assets, liabilities, and operations maintained, possessed, or controlled by the North Carolina Center for the Advancement of Teaching prior to the transfer.

Upon the transfer, all duties and responsibilities of The University of North Carolina, including Western Carolina University, shall cease except as may be agreed upon by the parties; provided however, that The University of North Carolina, Western Carolina University, and NCCAT shall work cooperatively in coordination with appropriate State agencies to effect an efficient and orderly transfer of duties and responsibilities to be completed on or before November 1, 2009.

The State of North Carolina shall reassign to Western Carolina University the original parcel of real property located in Cullowhee if it is no longer used or occupied by NCCAT.

**SECTION 2.(a)** G.S. 116-74.6 is recodified as G.S. 115C-296.5.

**SECTION 2.(b)** G.S. 115C-296.5 reads as rewritten:

**"§ 115C-296.5. North Carolina Center for the Advancement of Teaching established; Teaching; powers and duties of trustees.**

**(a)** ~~The Board of Governors of The University of North Carolina established the North Carolina Center for the Advancement of Teaching pursuant to Section 74 of S.L. 1985-479. The Center shall be a center of The University of North Carolina Board of Governors. It shall be the function of the~~ The North Carolina Center for the Advancement of Teaching (hereinafter called "NCCAT"), through itself or agencies with which it may ~~contract, to contract,~~ shall:



\* H 1 5 0 4 - C S T C - 3 6 - V - 1 \*

(1) ~~provide~~Provide career teachers with opportunities to study advanced topics in the sciences, arts, and humanities and to engage in informed discourse, assisted by able mentors and outstanding leaders from all walks of life; and ~~otherwise to offer opportunity and~~

(2) Offer opportunities for teachers to engage in scholarly ~~pursuits,~~pursuits through a center dedicated exclusively to the advancement of teaching as an art and as a profession.

(b) NCCAT may also provide training and support for beginning teachers to enhance their skills and in support of the State's effort to recruit and retain beginning teachers.

(c) ~~The Board of Governors of The University of North Carolina shall establish the~~The Board of Trustees of the North Carolina Center for the Advancement of Teaching ~~Board of Trustees and shall delegate to the Board of Trustees~~shall hold all the powers and duties the ~~Board of Governors considers necessary or appropriate for the effective discharge of the functions of NCCAT."~~

**SECTION 3.(a)** G.S. 116-74.7 is recodified as G.S. 115C-296.6.

**SECTION 3.(b)** G.S. 115C-296.6 reads as rewritten:

**"§ 115C-296.6. Composition of board of trustees; terms; officers.**

(a) The NCCAT Board of Trustees shall be composed of the following membership:

(1) ~~Three~~Two ex officio members: ~~the President of The University of North Carolina, the Chairman of the State Board of Education and the State Superintendent of Public Instruction, and the Chancellor of Western Carolina University,~~ or their designees;

(2) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate;

(3) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and

(4) Eight members appointed by the ~~Board of Governors,~~Governor, one from each of the eight educational regions.

The appointing authorities shall give consideration to assuring, through Board membership, the statewide mission of NCCAT.

(b) Members of the NCCAT Board of Trustees shall serve four-year terms. Members may serve two consecutive four-year terms. The Board shall elect a new ~~chairman~~chair every two years from its membership. The ~~Chairman~~chair may serve two consecutive two-year terms as ~~chairman~~chair.

(c) The chief administrative officer of NCCAT shall be an executive director. ~~The Board of Governors of The University of North Carolina shall appoint the executive director and set the compensation of the executive director on the recommendation of the President of The University of North Carolina. The President shall recommend the executive director from a list of not fewer than two names nominated by the NCCAT Board of Trustees.~~

~~The executive director shall report to and serve at the pleasure of the President of The University of North Carolina; provided that the President shall not terminate the employment of the executive director without prior consultation with the NCCAT Board of Trustees.~~director who shall be appointed by the NCCAT Board of Trustees."

**SECTION 4.** G.S. 126-5(c1) is amended by adding a new subdivision to read:

**"(29)** The Executive Director, Deputy Director, all other directors, assistant, and associate directors, and center fellows of the North Carolina Center for the Advancement of Teaching."

**SECTION 5.** Existing appointed members of the NCCAT Board of Trustees shall continue to serve until their current terms expire. Their successors shall be appointed as provided in G.S. 115C-296.6, as rewritten by Section 3 of this act.

**SECTION 6.** This act becomes effective July 1, 2009.



## HOUSE BILL 1504: Transfer NCCAT to SBE

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 7, 2009
<b>Introduced by:</b>	Rep. Haire	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H1504-CSTC-36		Committee Counsel

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**SUMMARY:** *HB 1504 would transfer the North Carolina Center for the Advancement of Teaching (NCCAT) from the Board of Governors of The University of North Carolina to the State Board of Education and make conforming statutory changes.*

*The PCS to HB 1504 would amend the language in Section 1 to provide that The University of North Carolina, Western Carolina University, and NCCAT shall work cooperatively to effect an efficient and orderly transfer by November 1, 2009, and to provide that the State shall reassign the parcel of real property in Cullowhee to Western Carolina University if it is no longer used or occupied by NCCAT.*

**CURRENT LAW:** G.S. 116-74.6 establishes NCCAT as a center of The University of North Carolina Board of Governors. The function of NCCAT is to provide career teachers with opportunities to study advanced topics in the sciences, arts, and humanities, and engage in informed discourse and scholarly pursuits through a center dedicated exclusively to the advancement of teaching as an art and as a profession.

G.S. 116-74.7 establishes the Board of Trustees of NCCAT. Members include the following:

- 3 ex officio members – the President of The University of North Carolina (President), the State Superintendent of Public Instruction, and the Chancellor of Western Carolina University.
- 2 members appointed by the General Assembly upon recommendation of the President Pro Tempore.
- 2 members appointed by the General Assembly upon recommendation by the Speaker of the House of Representatives.
- 8 members appointed by the Board of Governors, one from each of the 8 education regions.

Members serve 4 year terms, and may serve 2 consecutive terms. The Board must elect a new chairman every two years from its membership. The Chairman may serve 2 consecutive 2 year terms as chairman.

The chief administrative office of NCCAT shall be an executive director appointed by the Board of Governors, with compensation set on the recommendation of the President. The President must recommend the executive director from a list of not fewer than 2 names nominated by the NCCAT Board of Trustees. The executive director reports to and serves at the pleasure of the President, but may not be terminated without prior consultation with the NCCAT Board of Trustees.

**BILL ANALYSIS:** HB 1504 would transfer NCCAT from the Board of Governors to the State Board of Education as follows:

**Section 1: Transfer of NCCAT** - NCCAT would be transferred and located administratively under the State Board of Education (State Board), but would exercise its powers and duties through its own board of trustees. The NCCAT Board of Trustees would have full authority of employment and contracts for NCCAT in accordance with State personnel policies and procedures. The transfer would include the

# House Bill 1504

Page 2

properties at the two NCCAT sites at Cullowhee and Ocracoke, and any resources, assets, liabilities, and operations of NCCAT prior to the transfer.

Upon the transfer, the duties of The University of North Carolina would cease except as agreed upon by the parties, however The University and NCCAT must work cooperatively with appropriate State agencies to transfer duties and responsibilities by November 1, 2009.

The State must reassign to Western Carolina University the original parcel of real property in Cullowhee if it is no longer used or occupied by NCCAT.

**Section 2(a) and (b): NCCAT Changes** - G.S. 116-74.6 would be recodified from the Chapter on Higher Education to the Chapter on Education and amended as follows:

- Eliminate references to the Board of Governors and The University of North Carolina.
- Provide that NCCAT may also provide training and support for beginning teachers.
- Provide the NCCAT Board of Trustees the authority necessary for effective discharge of the function of NCCAT.

**Section 3(a) and (b): NCCAT Board Changes** - G.S. 116-74.7 would be recodified from the Chapter on Higher Education to the Chapter on Education and amended as follows:

- The ex officio members of the Board would be the Chairman of the State Board of Education and the State Superintendent of Public Instruction.
- The eight members formerly appointed by the Board of Governors would be appointed by the Governor.
- The executive director would be appointed by the NCCAT Board of Trustees

**Section 4: State Personnel Act exemptions** – Section 4 would add the Executive Director, Deputy Director, all other directors, assistant, and associate directors, and center fellows of NCCAT to the list of State employees exempt from the State Personnel Act.

**Section 5:** Current appointed NCCAT Board members would continue to serve until their terms expire, with successors appointed as provided in this act.

**EFFECTIVE DATE:** HB 1504 would become effective July 1, 2009.

*H1504-SMTC-83(CSTC-36) v1*

## **EDUCATION COMMITTEE 2009**

**MAY 7, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Noelle Hayward</b>	<b>Caswell</b>	<b>Hackney</b>
<b>Hannah Reynolds</b>	<b>Person</b>	<b>Hackney</b>
<b>Deandrea Newsome</b>	<b>Cumberland</b>	<b>Floyd</b>

### **SGT-AT-ARMS**

**JOHN BRANDON**

**MARTHA PARRISH**

**TREY RILEY**

**ROD FINGER**

**JUDY TURNER**

### **LEGISLATIVE ASSISTANTS**

**THELMA UTLEY**

**CAROLYN EDWARDS**

# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2009

DATES	02-24-09	03-03-09	03-10-09	03-17-09	03-24-09	03-31-09	04-02-09	04-07-09	04-09-09	04-14-09	04-21-09	04-21-09	04-28-09	05-05-09	05-07-09
REP. BELL (CHAIR)		*		*	*	*	*	*	*	*	*	*	*	*	*
REP. LUCAS (CHAIR)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
REP. COTHAM (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. FISHER (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. LOVE (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. PARMON (V-Chair)	*		*	*	*	*	*	*	*	*	*	*	*		
REP. WOMBLE (V-Chair)	*	*	*	*	*	*	*	*	*	*	*		*	*	*
REP. ADAMS	*	*	*			*	*	*	*	*	*		*	*	
REP. ALEXANDER	*	*	*	*	*	*	*	*	*	*	*		*	*	*
REP. AVILA	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
REP. BLACKWELL *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. BLACKWOOD	*	*	*	*	*	*	*	*	*	*	*	*		*	*
REP. BORDSEN	*	*	*	*	*	*	*	*		*	*	*	*	*	*
REP. BROWN	*	*	*	*	*			*	*	*	*		*	*	*
REP. BRYANT	*	*	*	*	*	*	*	*	*	*	*	*		*	*
REP. CARNEY	*	*	*	*	*		*	*							
REP. CLEVELAND	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. DICKSON	*	*	*	*		*		*		*	*	*		*	
REP. DOCKHAM corrected oversight	-	-	-	*		*		*			*				
REP. DOLLAR	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. ENGLAND	*	*	*	*	*			*	*	*	*	*	*	*	*
REP. BURRIS-FLOYD *	*		*		*		*	*	*	*	*	*	*	*	*
REP. E. FLOYD *		*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. FOLWELL	*	*	*	*	*			*	*	*	*			*	
REP. GLAZIER	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. WADE-GOODWIN	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. HALL	*	*	*	*	*	*		*	*	*	*	*	*	*	
REP. HILTON			*		*	*	*	*	*	*	*	*	*	*	*
REP. HOLLOWAY	*		*	*	*		*	*	*	*	*		*	*	*



# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2009

DATES	02-24-09	03-03-09	03-10-09	03-17-09	03-24-09	03-31-09	04-02-09	04-07-09	04-09-09	04-14-09	04-21-09	04-21-09	04-28-09	05-05-09	05-07-09
REP. HURLEY	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. INSKO		*	*	*	*	*		*	*		*	*	*		*
REP. JACKSON *	*	*	*	*	*	*	*	*	*	*	*	*		*	*
REP. JEFFUS	*	*	*	*	*	*	*	*	*		*		*		*
REP. JOHNSON	*	*	*	*	*	*	*	*	*	*	*	*		*	
REP. LANGDON	*	*		*		*	*	*	*	*	*		*	*	*
REP. McCORMICK *	*	*	*	*	*	*	*	*	*	*	*		*	*	*
REP. McELRAFT	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. McLAWHORN	*	*	*	*	*		*	*	*	*	*	*		*	*
REP. MICHAUX	*		*		*		*	*			*				
REP. MILLS *	*	*	*	*	*	*	*	*		*	*		*	*	
REP. RAPP	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. RHYNE *	*	*	*		*		*			*	*		*	*	
REP. ROSS	*	*	*	*	*	*	*	*	*		*		*	*	*
REP. SAMUELSON	*	*	*	*		*	*	*	*	*	*		*	*	*
REP. STAM	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. STEWART *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. STILLER	*		*				*	*		*	*		*	*	*
REP. TARLETON	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
REP. TILLIS	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. TOLSON	*	*	*	*	*	*		*	*	*	*	*	*	*	*
REP. E. WARREN	*	*	*	*	*	*	*	*	*	*	*			*	*
REP. R. WARREN	*	*	*	*	*		*	*	*	*	*	*	*	*	*
REP. WHILDEN *	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. WILEY	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. WILKINS	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
REP. YONGUE	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
9 New Members *    56 Total Members															

# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2009

DATES	02-24-09	03-03-09	03-10-09	03-17-09	03-24-09	03-31-09	04-02-09	04-07-09	04-09-09	04-14-09	04-21-09	04-21-09	04-28-09	05-05-09	05-07-09
<b>STAFF</b>															
<b>DEE ATKINSON</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>DRUPTI CHAUHAN</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>SHIRLEY IORIO</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>SARA KAMPRATH</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>KARA MCGRAW</b> (RESEARCH)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>COMMITTEE ASSISTANTS</b>															
<b>CAROLYN EDWARDS</b> (ASSISTANT)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>THELMA UTLEY</b> (ASSISTANT)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>New Members</b>															
<b>1. REP. BLACKWELL</b>															
<b>2. REP. BURRIS-FLOYD</b>															
<b>3. REP. E. FLOYD</b>															
<b>4. REP. JACKSON</b>															
<b>5. REP. McCORMICK</b>															
<b>6. REP. MILLS</b>															
<b>7. REP. RHYNE</b>															
<b>8. REP. STEWART</b>															

# HOUSE COMMITTEE ON EDUCATION II

## ATTENDANCE 2009

DATES	05-12-09	05-12-09	05-12-09	05-26-09	05-28-09	06-02-09	06-16-09	06-23-09	07-07-09	07-14-09	07-21-09	08-04-09			
REP. BELL (CHAIR)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. LUCAS (CHAIR)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. COTHAM (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. FISHER (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. LOVE (V-Chair)	*	*	*	*		*	*	*	*	*	*	*			
REP. PARMON (V-Chair)	*	*		*	*		*	*	*	*	*	*			
REP. WOMBLE (V-Chair)	*	*	*	*	*	*	*	*	*	*	*	*			
REP. ADAMS	*			*	*			*	*						
REP. ALEXANDER	*	*		*	*	*	*	*				*			
REP. AVILA	*	*	*	*	*	*	*	*	*	*	*	*			
REP. BLACKWELL	*	*	*	*	*	*	*	*	*	*	*	*			
REP. BLACKWOOD		*	*	*	*	*	*	*	*	*	*	*			
REP. BORDSEN	*	*	*	*	*		*	*	*	*	*	*			
REP. BROWN	*	*		*		*	*	*							
REP. BRYANT	*	*	*	*	*	*	*	*	*	*	*	*			
REP. CARNEY	*								*	*	*	*			
REP. CLEVELAND	*	*	*	*	*	*	*	*	*	*	*	*			
REP. DICKSON	*	*		*	*	*	*	*	*		*	*			
REP. DOCKHAM corrected oversight		*			*						*				
REP. DOLLAR	*	*	*	*	*		*	*	*	*	*	*			
REP. ENGLAND	*			*	*		*	*	*	*	*	*			
REP. BURRIS-FLOYD	*	*	*	*	*	*	*	*		*	*				
REP. E. FLOYD	*	*		*	*	*		*	*	*					
REP. FOLWELL	*	*	*	*	*	*	*	*	*	*	*	*			
REP. GILL								*	*	*		*			
REP. GLAZIER	*	*		*	*				*		*				
REP. WADE-GOODWIN	*	*	*	*	*	*	*	*	*	*	*	*			
REP. HALL	*		*	*	*	*	*		*	*	*				
REP. HILTON	*	*	*	*	*	*	*	*	*	*	*	*			

# HOUSE COMMITTEE ON EDUCATION II

## ATTENDANCE 2009

DATES	05-12-09	05-12-09	05-12-09	05-26-09	05-28-09	06-02-09	06-16-09	06-23-09	07-07-09	07-14-09	07-21-09	08-04-09			
REP. HOLLOWAY	*		*	*	*		*	*	*	*	*				
REP. HURLEY	*	*		*	*	*	*	*	*	*	*	*			
REP. ILER								*	*	*	*	*			
REP. INSKO	*			*	*				*	*	*	*			
REP. JACKSON	*	*	*	*	*	*	*	*			*				
REP. JEFFUS	*	*		*	*		*	*	*			*			
REP. JOHNSON	*			*	*	*	*	*	*	*	*				
REP. LANGDON	*	*		*	*	*	*	*	*	*	*				
REP. McCORMICK	*		*	*	*	*		*	*		*				
REP. McELRAFT	*	*	*	*	*	*	*	*							
REP. McLAWHORN	*		*	*	*		*		*		*	*			
REP. MICHAUX					*		*	*	*						
REP. MILLS	*		*	*	*	*		*	*						
REP. RAPP	*	*		*	*		*	*	*		*				
REP. RHYNE				*	*	*	*	*	*	*		*			
REP. ROSS	*	*	*	*	*	*	*	*	*	*	*				
REP. SAMUELSON	*	*	*	*	*	*	*	*	*		*	*			
REP. STAM	*	*	*	*	*	*	*	*	*						
REP. STEWART	*	*		*	*	*	*	*	*	*	*	*			
REP. TARLETON	*	*	*	*	*	*	*	*	*	*	*				
REP. TILLIS	*		*	*	*			*	*	*	*				
REP. TOLSON	*	*	*	*	*		*	*	*			*			
REP. E. WARREN	*	*	*			*	*	*			*	*			
REP. R. WARREN	*	*	*			*	*	*	*		*				
REP. WHILDEN	*	*	*	*		*	*	*	*	*	*	*			
REP. WILEY	*		*	*	*		*	*	*	*	*	*			
REP. WILKINS		*	*	*	*	*	*	*	*	*	*	*			
REP. YONGUE	*	*	*	*	*		*	*	*			*			

# HOUSE COMMITTEE ON EDUCATION II

## ATTENDANCE 2009

DATES	05-12-09	05-12-09	05-12-09	05-26-09	05-28-09	06-02-09	06-16-09	06-23-09	07-07-09	07-14-09	07-21-09	08-04-09			
<b>STAFF</b>															
<b>DEE ATKINSON (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>DRUPTI CHAUHAN (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>SHIRLEY IORIO (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>SARA KAMPRATH (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>KARA MCGRAW (RESEARCH)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>COMMITTEE ASSISTANTS</b>															
<b>CAROLYN EDWARDS (ASSISTANT)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>THELMA UTLEY (ASSISTANT)</b>	*	*	*	*	*	*	*	*	*	*	*	*			
<b>Rep. Stiller Resigned 06-15-2009</b>	*		*												
<b>New Members</b>															
<b>1. REP. BLACKWELL</b>															
<b>2. REP. BURRIS-FLOYD</b>															
<b>3. REP. E. FLOYD</b>															
<b>4. REP. JACKSON</b>															
<b>5. REP. McCORMICK</b>															
<b>6. REP. MILLS</b>															
<b>7. REP. RHYNE</b>															
<b>8. REP. STEWART</b>															
<b>9. REP. GILL</b>															
<b>10. REP. ILER</b>															

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, May 12, 2009**

**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets). Representative Lucas gives the gavel to Representative Bell so that he can explain the bills.**

**HB 1306 Restore Flexibility to School Calendar (Representative Carney's bill) There is a PCS and Representative Ross moves the PCS is properly before the Committee. Representative Lucas explains the bill. Representative Ross moves for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill and recommends that the committee substitute bill be re-referred to the Committee on Commerce, Small Business and Entrepreneurship. The Committee concurs and the bill passes.**

**HB 971 Legislative Study of Alternative Schools - There is a PCS and the Committee agrees the PCS is properly before the them. Representative Lucas explains the bill. There were a few questions/comments by members. Representative Womble moves for a favorable report and recommends the committee substitute be re-referred to the Committee on Rules, Calendar, and Operations of the House. The Committee concurs and the bill passes.**

**HB 482 – Reinstatement of Sick Leave/School Emp'ees – (Representative Cotham's bill). There is a PCS and the Committee agrees it is properly before them. Representative Lucas explains the bill. There were comments and questions by several members. Representative Womble moves for a favorable report to the proposed committee substitute, unfavorable to the original and that the bill is re-referred to Appropriations. The Committee concurs and the bill passes.**

**Representative Bell returns gavel to Representative Lucas.**

**HB 311 Continue School Construction Funding – Representative Yongue is called on to explain the bill. There were comments/questions by many committee members. Representative Borden moves for a favorable report and that the bill is re-referred to the Committee on Finance. The Committee concurs and the bill passes.**

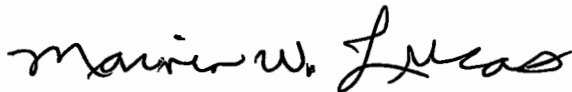
**HB 213 VSL Nonfamily Sick Leave Donations – Representative Bell moves the PCS is properly before the Committee. Representative Insko is called on to explain the bill. There were many, many comments/questions by Committee members and Ms. Linda Gunter (NCAE). Representative Cleveland moves for a favorable report to the proposed committee substitute, unfavorable to the original bill. The Committee concurs and the bill passes.**

**HB 1466 Coordinate Teacher Ed Reporting Requirements – Representative Yongue is called on to explain the bill. Representative Loves moves for a favorable report and that the bill be re-referred to the Appropriations Committee. The Committee concurs and the bill passes.**

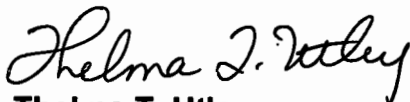
**HB 1520 Tuition Surcharge/Double Major or 2 Degrees – There is a PCS and Representative Bell moves the PCS is properly before the Committee. Representative Tolson explains the bill. Representative Folwell moves for a favorable report to the proposed committee substitute, unfavorable to the original bill and that the bill be re-referred to the Appropriations Committee. The Committee concurs and the bill passes.**

**Meeting recessed until 1:00 p.m.**

**Respectfully submitted,**



**Marvin W. Lucas  
Chair**



**Thelma T. Utley  
Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, May 12, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 213	VSL Nonfamily Sick Leave Donations.	Representative Insko Representative Lucas Representative Hurley
HB 311	Continue School Construction Funding.	Representative Yongue Representative Glazier Representative Johnson Representative Wainwright
HB 482	Reinstatement of Sick Leave/School Emp'ees.	Representative Cotham Representative Wiley Representative Jeffus Representative Lucas
HB 971	Legislative Study of Alternative Schools.	Representative Bryant
HB 1306	Restore Flexibility to School Calendar.	Representative Carney Representative Yongue Representative Neumann, IV Representative Lucas
HB 1466	Coordinate Teacher Ed Reporting Requirements.	Representative Yongue Representative McLawhorn Representative Lucas
HB 1520	Tuition Surcharge/Double Major or 2 Degrees.	Representative Tolson

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair



I hereby certify this notice was filed by the committee assistant at the following offices at  
11 o'clock on **May 07, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

# VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME	FIRM OR AGENCY AND ADDRESS
Rob Thompson	Covenant w/ NC's Children
Paula A. Wolf	Same Day Voter Registration Coalition
JUDIE BURKE	LWV NC
Julia Kren	NC Teacher Academy
Ben Bryan	NC Teacher Academy
Donise Oke	Take Our Summers - NC
Ann Maddock	Governor's Office
John D. Denney	All Kinds of Minds
Linda Danta	NCAE
Brian Lewis	NCAE
Marg Foreman	NCAE

# VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Emilee Macdon	Inter - Insko
Chris Nichols	Inter - Cliner
<del>Jeff</del> TAYNOR	NC DP 1
David Starling	NCDST
TINA GORDON	NC Nurses Assoc.
Hugh Thorne	NC PAPA
Gene Causby	NC SCA
John Noma	PSFJNC
Emily Doyle	NC PAPA
Katherine Joyce	NCASA
Chris Minard	State Bd of Ed

# VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009


Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Carol Vandenberg	PENC
W. Mulcaire	WICK
Ror Switt	WCCA
Jim Stegall	UCPS
Sheyna Alterovitz	AARP
Leanne Winn	WCSBA
for my	
Elizabeth Duncan	WCSR
Emily H. Hume	ETEL
Elaine Hopkins	Visiting
Chae Forer	verce

# VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Cranger Barrett

Cumberland County

Harry Rayner

"

"

Bill McAulay

PSNC Energy

D. M. G. H.

R. W. G. H.

Ann Coan

NC Farm Bureau

## VISITOR REGISTRATION SHEET

## EDUCATION

05/12/2009

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME****FIRM OR AGENCY AND ADDRESS**

Margaret Abrams

NCA

Dick Taylor

NCA

Mitch Leonard

SEAN

Wynell Smith

XLTCP/

## VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Cecil Bask	NCAE
Erin Schueller	UNC
Obly of Bell	American Cancer Society
David Bray	MWC
Ann Ben	UNC-TV
Kelly M.	.. ..
C. Hawkins	NCCAT
Joe Maynard	CN&

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, May 12, 2009**  
**11:00 a.m.**  
**Room 643 LOB**

**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**  
**Welcome/Introductions**

**Bills to be considered:**

<b>HB 1306</b>	<b>Restore Flexibility to School Calendar.</b>	<b>Representative Carney</b> <b>Representative Yongue</b> <b>Representative Neumann, IV</b> <b>Representative Lucas</b>
<b>HB 971</b>	<b>Legislative Study of Alternative Schools.</b>	<b>Representative Lucas</b> <b>Representative Bryant</b>
<b>HB 482</b>	<b>Reinstatement of Sick Leave/School Emp'ees.</b>	<b>Representative Cotham</b> <b>Representative Wiley</b> <b>Representative Jeffus</b> <b>Representative Lucas</b>
<b>HB 311</b>	<b>Continue School Construction Funding.</b>	<b>Representative Yongue</b> <b>Representative Glazier</b> <b>Representative Johnson</b> <b>Representative Wainwright</b>
<b>HB 213</b>	<b>VSL Nonfamily Sick Leave Donations.</b>	<b>Representative Insko</b> <b>Representative Lucas</b> <b>Representative Hurley</b>
<b>HB 1466</b>	<b>Coordinate Teacher Ed Reporting Requirements.</b>	<b>Representative Yongue</b> <b>Representative McLawhorn</b> <b>Representative Lucas</b>
<b>HB 1520</b>	<b>Tuition Surcharge/Double Major or 2 Degrees.</b>	<b>Representative Tolson</b>

**Adjournment**



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**HB 213** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES.

☒ With a favorable report as to Committee Substitute Bill #2, unfavorable as to Committee Substitute Bill #1.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 213  
Committee Substitute Favorable 5/4/09  
PROPOSED COMMITTEE SUBSTITUTE H213-PCS80428-SF-29**

Short Title: VSL Nonfamily Sick Leave Donations.

(Public)

Sponsors:

Referred to:

February 19, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 126-8.3 reads as rewritten:

**"§ 126-8.3. Voluntary shared leave.**

(a) The State Personnel Commission, in cooperation with the State Board of Community Colleges and the State Board of Education, shall adopt rules and policies to allow any employee at a State agency to share leave voluntarily with an immediate family member who is an employee of a State agency, community college, or public school; and with a coworker's immediate family member who is an employee of a State agency, community college, or public school. For the purposes of this section, the term "immediate family member" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. The term "coworker" means that the employee donating the leave is employed by the same agency, department, institution, university, local school administrative unit, or community college as the employee whose immediate family member is receiving the leave.

(b) The State Personnel Commission shall adopt rules and policies for the voluntary shared leave program to allow an employee at a State agency to donate sick leave to a nonfamily member employee of a State agency. A donor of sick leave to a nonfamily member recipient shall not donate more than five days of sick leave per year to any one nonfamily member recipient. The combined total of sick leave donated to a recipient from nonfamily member donors shall not exceed 30 days per year. Donated sick leave shall not be used for retirement purposes, and employees who donate sick leave shall be notified in writing of the State retirement credit consequences of donating sick leave. Departments and agencies with employees who are not subject to the provisions of this section may extend the voluntary shared leave benefit to those employees.

**SECTION 2.** G.S. 115C-12.2 reads as rewritten:

**"§ 115C-12.2. Voluntary shared leave.**



\* H 2 1 3 - P C S 8 0 4 2 8 - S F - 2 9 \*

1       (a) The State Board of Education, in cooperation with the State Board of Community  
2 Colleges and the State Personnel Commission, shall adopt rules and policies to allow any  
3 employee at a public school to share leave voluntarily with an immediate family member who  
4 is an employee of a public school, community college, or State agency; and with a coworker's  
5 immediate family member who is an employee of a public school, community college, or State  
6 agency. For the purposes of this section, the term "immediate family member" means a spouse,  
7 parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and  
8 in-law relationships. The term "coworker" means that the employee donating the leave is  
9 employed by the same agency, department, institution, university, local school administrative  
10 unit, or community college as the employee whose immediate family member is receiving the  
11 leave.

12       (b) The State Board of Education shall adopt rules and policies for the voluntary shared  
13 leave program to allow an employee at a public school to donate sick leave to a nonfamily  
14 member employee of a public school. A donor of sick leave to a nonfamily member recipient  
15 shall not donate more than five days of sick leave per year to any one nonfamily member  
16 recipient. The combined total of sick leave donated to a recipient from nonfamily member  
17 donors shall not exceed 30 days per year. Donated sick leave shall not be used for retirement  
18 purposes, and employees who donate sick leave shall be notified in writing of the State  
19 retirement credit consequences of donating sick leave."

20       **SECTION 3.** G.S. 115D-25.3 reads as rewritten:

21       **"§ 115D-25.3. Voluntary shared leave.**

22       (a) The State Board of Community Colleges, in cooperation with the State Board of  
23 Education and the State Personnel Commission, shall adopt rules and policies to allow any  
24 employee at a community college to share leave voluntarily with an immediate family member  
25 who is an employee of a community college, public school, or State agency; and with a  
26 coworker's immediate family member who is an employee of a community college, public  
27 school, or State agency. For the purposes of this section, the term "immediate family member"  
28 means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the  
29 step, half, and in-law relationships. The term "coworker" means that the employee donating the  
30 leave is employed by the same agency, department, institution, university, local school  
31 administrative unit, or community college as the employee whose immediate family member is  
32 receiving the leave.

33       (b) The State Board of Community Colleges shall adopt rules and policies for the  
34 voluntary shared leave program to allow an employee at a community college to donate sick  
35 leave to a nonfamily member employee of a community college. A donor of sick leave to a  
36 nonfamily member recipient shall not donate more than five days of sick leave per year to any  
37 one nonfamily member recipient. The combined total of sick leave donated to a recipient from  
38 nonfamily member donors shall not exceed 30 days per year. Donated sick leave shall not be  
39 used for retirement purposes, and employees who donate sick leave shall be notified in writing  
40 of the State retirement credit consequences of donating sick leave."

41       **SECTION 4.** This act becomes effective January 1, 2010.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 311** A BILL TO BE ENTITLED AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 311

Short Title: Continue School Construction Funding. (Public)

Sponsors: Representatives Yongue, Glazier, Johnson, Wainwright (Primary Sponsors);  
England, Faison, E. Floyd, Lucas, and Pierce.

Referred to: Education, if favorable, Finance.

February 26, 2009

A BILL TO BE ENTITLED  
AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH  
THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-487(a) reads as rewritten:

**"§ 105-487. Use of additional tax revenue by counties.**

(a) Except as provided in subsection (c), forty percent (40%) of the revenue received by a county from additional one-half percent (1/2%) sales and use taxes levied under this Article during the first five fiscal years in which the additional taxes are in effect in the county and thirty percent (30%) of the revenue received by a county from these taxes ~~in the next 23~~ after the first five fiscal years in which the taxes are in effect in the county may be used by the county only for public school capital outlay purposes as defined in G.S. 115C-426(f) or to retire any indebtedness incurred by the county for these purposes."

**SECTION 2.** G.S. 105-502(a) reads as rewritten:

**"§ 105-502. (Effective October 1, 2009) Use of additional tax revenue by counties.**

(a) Restriction. – ~~For the first 25 fiscal years in which taxes levied under this Article by a county are in effect, the~~ The county must use sixty percent (60%) of the amount of revenue specified in this subsection for public school capital outlay purposes as defined in G.S. 115C-426(f) or to retire any indebtedness incurred by the county for these purposes during the period beginning five years prior to the date the taxes took effect:

(1) The amount of revenue the county receives under this Article.

(2) If the amount allocated to the county under G.S. 105-486 is greater than the amount allocated to the county under G.S. 105-501(a), the difference between the two amounts."

**SECTION 3.** This act becomes effective January 1, 2010, and applies to sales made on or after that date.





# HOUSE BILL 311: Continue School Construction Funding

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Finance	<b>Date:</b>	May 12, 2009
<b>Introduced by:</b>	Reps. Yongue, Glazier, Johnson, Wainwright	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *HB 311 would require that a certain percentage of revenue from local sales and use taxes remain designated for public school capital outlay purposes or related debt retirement, by eliminating the sunsets on those requirements.*

## CURRENT LAW:

**First ½ Percent Sales and Use Tax:** Article 40 of Chapter 105 (Taxation) provides counties which levy a one percent (1%) sales and use tax the authority to levy an additional one-half percent (1/2%) sales and use tax. G.S. 105-487 provides that a percentage of the revenue of that tax must be used by the county only for public school outlay purposes or to retire indebtedness incurred for that purpose, according to the following schedule:

1<sup>st</sup> 5 Years of Tax - 40% of revenue for public school capital outlay.

Next 23 Years of Tax - 30% of revenue for public school capital outlay.

**Second ½ Percent Sales and Use Tax:** Article 42 provides counties which levy the one percent (1%) sales tax and the additional first one-half percent (1/2%) sales and use tax the authority to levy a second one-half percent (1/2%) sales and use tax. G.S. 105-502 (effective October 1, 2009) requires that for the first 25 years the tax is levied, a certain amount must be used by the county only for public school outlay purposes or to retire indebtedness incurred for that purpose during the five years before the indebtedness took effect. That amount is sixty percent (60%) of:

- The amount of revenue received from the second one-half percent sales and use tax, or,
- If the amount allocated to the county under the first one-half percent (1/2%) is greater than the amount allocated under the second one-half percent (1/2%) sales tax, the difference between the two amounts.

**BILL ANALYSIS:** HB 311 would amend G.S. 105-487 to require that after the first 5 years that the first one-half percent (1/2%) sales tax is in effect, 30% of the revenue must always be used for public school capital outlay or indebtedness.

G.S. 105-502 (as effective October 1, 2009) would also be amended to require that sixty percent of the revenue from the second one-half percent (1/2%) sales tax, as designated in that section, must always be used for public school outlay purposes or to retire indebtedness incurred for that purpose during the five years before the indebtedness took effect.

**EFFECTIVE DATE:** HB 311 would become effective January 1, 2010, and would apply to sales made on or after that date.

H311-SMTC-84(e1) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 482** A BILL TO BE ENTITLED AN ACT RELATING TO THE  
REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 482\*  
PROPOSED COMMITTEE SUBSTITUTE H482-PCS70427-RJ-24**

Short Title: Reinstatement of Sick Leave/School Emp'ees.

(Public)

Sponsors:

Referred to:

March 9, 2009

A BILL TO BE ENTITLED

AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR  
PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-336 is amended by adding a new subsection to read:

"(d) The State Board of Education shall adopt rules relating to the reinstatement of unused sick leave when an employee who was employed on a 10-month contract at the time of separation returns to employment on a 10-month contract. Under these rules, the maximum period of separation after which unused sick leave is reinstated shall be three calendar months longer for school personnel employed on a 10-month contract than for school personnel employed on a 12-month contract."

**SECTION 2.** This act becomes effective July 1, 2009.



\* H 4 8 2 - P C S 7 0 4 2 7 - R J - 2 4 \*



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 482\***

Short Title: Reinstatement of Sick Leave/School Emp'ees. (Public)

Sponsors: Representatives Cotham, Wiley, Jeffus, Lucas (Primary Sponsors);  
M. Alexander, Blackwood, Bryant, Carney, Dollar, Faison, Farmer-Butterfield,  
Glazier, Goodwin, Harrell, Harrison, Hurley, Insko, Jackson, Johnson, Jones,  
Mackey, Parmon, Ross, Tarleton, Tolson, Wainwright, and Wray.

Referred to: Education, if favorable, Appropriations.

March 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR  
3 PUBLIC SCHOOL EMPLOYEES.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. G.S. 115C-336 is amended by adding a new subsection to read:  
6 "(d) The State Board of Education shall adopt rules relating to the reinstatement of  
7 unused sick leave when an employee returns to employment. Under these rules, the maximum  
8 period of separation after which unused sick leave is reinstated shall be three calendar months  
9 longer for school personnel employed on a 10-month basis than for school personnel employed  
10 on a 12-month basis."  
11 SECTION 2. This act becomes effective July 1, 2009.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 971** A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT  
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ALTERNATIVE  
SCHOOLS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

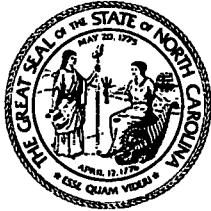
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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

## D



# HOUSE BILL 971: Legislative Study of Alternative Schools

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	May 10, 2009
<b>Introduced by:</b>	Reps. Lucas, Bryant	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	PCS to First Edition H971-CSRJ-23		Legislative Analyst

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**SUMMARY:** *House Bill 971 directs the Joint Legislative Education Oversight Committee to study alternative schools and report to the 2010 Regular Session. The bill has a serial referral to the Rules, Calendar, and Operations of the House Committee. The Proposed Committee Substitute for House Bill 971 added that the Committee can study any other relevant issues.*

**BILL ANALYSIS:** The PCS for House Bill 971 directs the Joint Legislative Education Oversight Committee to study the number of existing alternative schools in the State, how effective the schools are in helping at-risk students to be academically successful and any other relevant issues. The Committee shall report to the 2010 Regular Session.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**CURRENT LAW:** According to the provisions of G.S. 115C-12 (24), the State Board of Education shall adopt standards for assigning students to alternative learning programs. The State Board shall also adopt policies that define what constitutes an alternative school and an alternative learning program. The State Board shall evaluate the effectiveness of alternative learning program by using the ABCs to measure the educational performance and growth of students in alternative schools and alternative programs.

Local boards of education are required to establish at least one alternative learning program and adopt rules for assigning students based on the State Board's standards. Local boards are encouraged to include the policies in their safe school plans. Local boards are required to make regular assessments to determine if their alternative schools and alternative learning programs incorporate best practices for improving student performance, reducing disruptive behavior, and provide students with rigorous academic instruction.

The State Board may grant local boards waivers from State laws, rules, or policies that require each LEA to have at least one alternative school or alternative learning program.

Before referring a student to an alternative school or an alternative learning program, the referring school shall:

- Document procedures used to identify the student as being at risk of academic failure or as being disruptive or disorderly
- Provide the reasons for referring the student
- Provide all relevant student records to the alternative school or alternative programs

The staff of the alternative school or alternative program shall review the records forwarded by the referring school to decide which support services are needed. Parents shall be encouraged to provide input.

H971-SMRJ-56(CSRJ-23) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 971**

**Short Title:** Legislative Study of Alternative Schools. (Public)

**Sponsors:** Representatives Lucas, Bryant (Primary Sponsors); M. Alexander, Earle, Faison, Glazier, Hughes, Rapp, and Wainwright.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

April 2, 2009

**A BILL TO BE ENTITLED  
AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE TO STUDY ALTERNATIVE SCHOOLS.**

Whereas, an average of one in 10 North Carolina students receives a short-term out-of-school suspension each year; and

Whereas, during the 2006-2007 school year, there were a total of 308,010 short-term suspensions resulting in a loss of between 924,030 and 1,540,050 instructional days; and

Whereas, during the 2006-2007 school year, a disproportionate number of short-term out-of-school suspensions were received by African-American, American Indian, ninth graders, and special education students; and

Whereas, similar patterns are seen with long-term suspensions, which are suspensions of 11 days or more; and

Whereas, during the 2006-2007 school year, there were a total of 4,682 long-term suspensions resulting in more than 50,000 days of lost instructional time; and

Whereas, young people who are suspended from school are at an increased risk of poor academic performance, being less connected to the school setting, dropping out of school and becoming involved in the juvenile justice, criminal justice, and mental health systems; and

Whereas, encouraging connectedness to school and focusing on those at risk of being suspended or expelled would undoubtedly improve the outcomes for these children;

Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Education Oversight Committee shall study the number of alternative schools that currently exist in North Carolina and how effective those schools are in helping at-risk students reach academic success. The Committee shall report the results of this study to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 2.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 971**

Short Title:   Legislative Study of Alternative Schools. (Public)

Sponsors:   Representatives Lucas, Bryant (Primary Sponsors);   M. Alexander, Earle,  
                  Faison, Glazier, Hughes, Rapp, and Wainwright.

Referred to:   Education, if favorable, Rules, Calendar, and Operations of the House.

April 2, 2009

A BILL TO BE ENTITLED  
AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE TO STUDY ALTERNATIVE SCHOOLS.

Whereas, an average of one in 10 North Carolina students receives a short-term out-of-school suspension each year; and

Whereas, during the 2006-2007 school year, there were a total of 308,010 short-term suspensions resulting in a loss of between 924,030 and 1,540,050 instructional days; and

Whereas, during the 2006-2007 school year, a disproportionate number of short-term out-of-school suspensions were received by African-American, American Indian, ninth graders, and special education students; and

Whereas, similar patterns are seen with long-term suspensions, which are suspensions of 11 days or more; and

Whereas, during the 2006-2007 school year, there were a total of 4,682 long-term suspensions resulting in more than 50,000 days of lost instructional time; and

Whereas, young people who are suspended from school are at an increased risk of poor academic performance, being less connected to the school setting, dropping out of school and becoming involved in the juvenile justice, criminal justice, and mental health systems; and

Whereas, encouraging connectedness to school and focusing on those at risk of being suspended or expelled would undoubtedly improve the outcomes for these children; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Education Oversight Committee shall study the number of alternative schools that currently exist in North Carolina and how effective those schools are in helping at-risk students reach academic success. The Committee shall report the results of this study to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 2.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1306**

A BILL TO BE ENTITLED AN ACT TO RESTORE FLEXIBILITY  
TO THE SCHOOL CALENDAR.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on COMMERCE, SMALL BUSINESS, AND ENTREPRENEURSHIP.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 1306

PROPOSED COMMITTEE SUBSTITUTE H1306-PCS10966-RJ-25

Short Title: Restore Flexibility to School Calendar.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE TO STUDY ISSUES RELATED TO RESTORING FLEXIBILITY TO  
THE SCHOOL CALENDAR.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Education Oversight Committee shall study issues related to restoring the flexibility to the school calendar lost when S.L. 2004-180 was enacted. The Committee shall report its findings and recommendations, along with any proposed legislation, to the 2010 Regular Session of the 2009 General Assembly. In the course of the study, the Committee shall consider:

- (1) Requiring local boards of education to adopt a school calendar consisting of 220 days instead of the current 215 days.
- (2) Restoring the five teacher workdays and determining how those workdays can be used.
- (3) Allowing local boards of education to set the dates for the opening and closing of school in order to meet their individual needs instead of having statewide limitations on school opening and closing dates.
- (4) Any impacts on student achievement since the school calendar law change in 2004.
- (5) Any impacts on student participation in joint programs with the community colleges, including Learn and Earn, Learn and Earn Online, Early College, dual enrollment, and college transfer courses since the school calendar law change in 2004.
- (6) Any other issues that the Committee considers relevant to this topic.

**SECTION 2.** This act is effective when it becomes law.



\* H 1 3 0 6 - P C S 1 0 9 6 6 - R J - 2 5 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1306

Short Title: Restore Flexibility to School Calendar. (Public)

Sponsors: Representatives Carney, Yongue, Neumann, Lucas (Primary Sponsors); Allen, Bell, Bordsen, Cotham, Dickson, England, Faison, Fisher, E. Floyd, Glazier, Goodwin, Harrison, Insko, Jackson, Mackey, Rapp, Ross, Underhill, Wainwright, Weiss, Womble, and Wray.

Referred to: Education, if favorable, Commerce, Small Business, and Entrepreneurship, if favorable, Appropriations.

April 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO RESTORE FLEXIBILITY TO THE SCHOOL CALENDAR.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-84.2 reads as rewritten:  
5 "§ 115C-84.2. School calendar.

6 (a) School Calendar. – Each local board of education shall adopt a school calendar  
7 consisting of ~~215~~220 days all of which shall fall within the fiscal year. A school calendar shall  
8 include the following:

- 9 (1) A minimum of 180 days and 1,000 hours of instruction covering at least nine  
10 calendar months. The local board shall designate when the 180 instructional  
11 days shall occur. The number of instructional hours in an instructional day  
12 may vary according to local board policy and does not have to be uniform  
13 among the schools in the administrative unit. Local boards may approve  
14 school improvement plans that include days with varying amounts of  
15 instructional time. If school is closed early due to inclement weather, the day  
16 and the scheduled amount of instructional hours may count towards the  
17 required minimum to the extent allowed by State Board policy. The school  
18 calendar shall include a plan for making up days and instructional hours  
19 missed when schools are not opened due to inclement weather.
- 20 (1a) Repealed by Session Laws 2004-180, s. 1, effective August 9, 2004.
- 21 (2) A minimum of 10 annual vacation leave days.
- 22 (3) The same or an equivalent number of legal holidays occurring within the  
23 school calendar as those designated by the State Personnel Commission for  
24 State employees.
- 25 (4) Five-Eight days, as designated by the local board, for use as teacher  
26 workdays. These days shall be protected to allow teachers to complete  
27 instructional and classroom administrative duties. The local school  
28 administrative unit shall not impose any additional tasks on these days. The  
29 local board shall schedule one of these days at the beginning of the school  
30 year and one at the end of each academic quarter. workdays, additional  
31 instructional days, or other lawful purposes. A local board may delegate to  
32 the individual schools some or all of the eight days to schedule under  
33 subdivision (5) of this subsection. A local board may schedule different



purposes for different personnel on any given day and is not required to schedule the same dates for all personnel.

- (5) The remaining days scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purposes any of the purposes allowed under subdivision (4) of this subsection. Before consulting with the local board, each scheduling these days, the principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled. Days may be scheduled and planned for different purposes for different personnel and there is no requirement to schedule the same dates for all personnel. In order to make up days for school closing because of inclement weather, the local board may designate any two of the these days in this subdivision as additional make-up days to be scheduled after the last day of student attendance.

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

Local boards shall designate at least seven days scheduled under subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivisions (4) and (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards and individual schools shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. Days scheduled in accordance with subdivision (5) of this subsection. A teacher may elect to waive this notice requirement for one or more of these days.

(b) Limitations. – The following limitations apply when developing the school calendar:

- (1) The total number of teacher workdays for teachers employed for a 10 month term shall not exceed 195-200 days.
- (2) The calendar shall include at least 42 consecutive days when teacher attendance is not required unless: (i) the school is a year-round school; or (ii) the teacher is employed for a term in excess of 10 months. At the request of the local board of education or of the principal of a school, a teacher may elect to work on one of the 42 days when teacher attendance is not required in lieu of another scheduled workday.
- (3) School shall not be held on Sundays.
- (4) Veterans Day shall be a holiday for all public school personnel and for all students enrolled in the public schools.

(c) Emergency Conditions. – During any period of emergency in any section of the State where emergency conditions make it necessary, the State Board of Education may order general, and if necessary, extended recesses or adjournment of the public schools.

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall not be before August 25, and the closing date for students shall not be after June 10. On a showing of good cause, the State Board of Education may waive this requirement to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum

1 requirements for instructional days or instructional time. For purposes of this subsection, the  
2 term "good cause" means that schools in any local school administrative unit in a county have  
3 been closed eight days per year during any four of the last 10 years because of severe weather  
4 conditions, energy shortages, power failures, or other emergency situations. Different opening  
5 and closing dates may be fixed for schools in the same administrative unit.

6 ~~The State Board also may waive this requirement for an educational purpose. The term~~  
7 ~~"educational purpose" means a local school administrative unit establishes a need to adopt a~~  
8 ~~different calendar for (i) a specific school to accommodate a special program offered generally~~  
9 ~~to the student body of that school, (ii) a school that primarily serves a special population of~~  
10 ~~students, or (iii) a defined program within a school. The State Board may grant the waiver for~~  
11 ~~an educational purpose for that specific school or defined program to the extent that the State~~  
12 ~~Board finds that the educational purpose is reasonable, the accommodation is necessary to~~  
13 ~~accomplish the educational purpose, and the request is not an attempt to circumvent the~~  
14 ~~opening and closing dates set forth in this subsection. The waiver requests for educational~~  
15 ~~purposes shall not be used to accommodate system-wide class scheduling preferences.~~

16 ~~The required opening and closing dates under this subsection shall not apply to any school~~  
17 ~~that a local board designated as having a modified calendar for the 2003-2004 school year or to~~  
18 ~~any school that was part of a planned program in the 2003-2004 school year for a system of~~  
19 ~~modified calendar schools, so long as the school operates under a modified calendar.~~

20 (e) ~~Nothing in this section prohibits a local board of education from offering~~  
21 ~~supplemental or additional educational programs or activities outside the calendar adopted~~  
22 ~~under this section."~~

23 **SECTION 2.** G.S. 115C-302.1(b) reads as rewritten:

24 "(b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months.  
25 State-allotted months of employment for vocational education to local boards shall be used for  
26 the employment of teachers of vocational and technical education for a term of employment to  
27 be determined by the local boards of education. However, local boards shall not reduce the  
28 term of employment for any vocational agriculture teacher personnel position that was 12  
29 calendar months for the 1982-83 school year for any school year thereafter. In addition, local  
30 boards shall not reduce the term of employment for any vocational agriculture teacher  
31 personnel position that was 12 calendar months for the 2003-2004 school year for any school  
32 year thereafter.

33 Each local board of education shall establish a set date on which monthly salary payments  
34 to State-allotted teachers shall be made. This set pay date may differ from the end of the month  
35 of service. The daily rate of pay for teachers shall equal ~~midway between one twenty-first and~~  
36 ~~one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round~~  
37 ~~school or paid in accordance with a year-round calendar, or both, the initial pay date for~~  
38 ~~teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent~~  
39 ~~pay dates shall be spaced no more than one month apart and shall include a full monthly~~  
40 ~~payment one twenty-second of the monthly rate of pay.~~

41 Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who  
42 fails to attend scheduled workdays or who has not worked the number of days for which the  
43 teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall  
44 repay to the local board any salary payments received for days not yet worked. A teacher who  
45 has been prepaid and continues to be employed by a local board but fails to attend scheduled  
46 workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

47 Any individual teacher who is not employed in a year-round school may be paid in 12  
48 monthly installments if the teacher so requests on or before the first day of the school year. The  
49 request shall be filed in the local school administrative unit which employs the teacher. The  
50 payment of the annual salary in 12 installments instead of 10 shall not increase or decrease the  
51 teacher's annual salary nor in any other way alter the contract made between the teacher and the

1 local school administrative unit. Teachers employed for a period of less than 10 months shall  
2 not receive their salaries in 12 installments.

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

6 **SECTION 3.** This act is effective when it becomes law and applies beginning with  
7 the 2009-2010 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

3

HOUSE BILL 213  
Committee Substitute Favorable 5/4/09  
Committee Substitute #2 Favorable 5/12/09

Short Title: VSL Nonfamily Sick Leave Donations.

(Public)

Sponsors:

Referred to:

February 19, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE  
3 VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION  
4 OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE  
5 EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL  
6 EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 126-8.3 reads as rewritten:

9 "§ 126-8.3. Voluntary shared leave.

10 (a) The State Personnel Commission, in cooperation with the State Board of  
11 Community Colleges and the State Board of Education, shall adopt rules and policies to allow  
12 any employee at a State agency to share leave voluntarily with an immediate family member  
13 who is an employee of a State agency, community college, or public school; and with a  
14 coworker's immediate family member who is an employee of a State agency, community  
15 college, or public school. For the purposes of this section, the term "immediate family member"  
16 means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the  
17 step, half, and in-law relationships. The term "coworker" means that the employee donating the  
18 leave is employed by the same agency, department, institution, university, local school  
19 administrative unit, or community college as the employee whose immediate family member is  
20 receiving the leave.

21 (b) The State Personnel Commission shall adopt rules and policies for the voluntary  
22 shared leave program to allow an employee at a State agency to donate sick leave to a  
23 nonfamily member employee of a State agency. A donor of sick leave to a nonfamily member  
24 recipient shall not donate more than five days of sick leave per year to any one nonfamily  
25 member recipient. The combined total of sick leave donated to a recipient from nonfamily  
26 member donors shall not exceed 30 days per year. Donated sick leave shall not be used for  
27 retirement purposes, and employees who donate sick leave shall be notified in writing of the  
28 State retirement credit consequences of donating sick leave. Departments and agencies with  
29 employees who are not subject to the provisions of this section may extend the voluntary  
30 shared leave benefit to those employees."

31 SECTION 2. G.S. 115C-12.2 reads as rewritten:

32 "§ 115C-12.2. Voluntary shared leave.

33 (a) The State Board of Education, in cooperation with the State Board of Community  
34 Colleges and the State Personnel Commission, shall adopt rules and policies to allow any  
35 employee at a public school to share leave voluntarily with an immediate family member who  
36 is an employee of a public school, community college, or State agency; and with a coworker's



\* H 2 1 3 - V - 3 \*

1 immediate family member who is an employee of a public school, community college, or State  
2 agency. For the purposes of this section, the term "immediate family member" means a spouse,  
3 parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and  
4 in-law relationships. The term "coworker" means that the employee donating the leave is  
5 employed by the same agency, department, institution, university, local school administrative  
6 unit, or community college as the employee whose immediate family member is receiving the  
7 leave.

8 (b) The State Board of Education shall adopt rules and policies for the voluntary shared  
9 leave program to allow an employee at a public school to donate sick leave to a nonfamily  
10 member employee of a public school. A donor of sick leave to a nonfamily member recipient  
11 shall not donate more than five days of sick leave per year to any one nonfamily member  
12 recipient. The combined total of sick leave donated to a recipient from nonfamily member  
13 donors shall not exceed 30 days per year. Donated sick leave shall not be used for retirement  
14 purposes, and employees who donate sick leave shall be notified in writing of the State  
15 retirement credit consequences of donating sick leave."

16 SECTION 3. G.S. 115D-25.3 reads as rewritten:

17 "§ 115D-25.3. Voluntary shared leave.

18 (a) The State Board of Community Colleges, in cooperation with the State Board of  
19 Education and the State Personnel Commission, shall adopt rules and policies to allow any  
20 employee at a community college to share leave voluntarily with an immediate family member  
21 who is an employee of a community college, public school, or State agency; and with a  
22 coworker's immediate family member who is an employee of a community college, public  
23 school, or State agency. For the purposes of this section, the term "immediate family member"  
24 means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the  
25 step, half, and in-law relationships. The term "coworker" means that the employee donating the  
26 leave is employed by the same agency, department, institution, university, local school  
27 administrative unit, or community college as the employee whose immediate family member is  
28 receiving the leave.

29 (b) The State Board of Community Colleges shall adopt rules and policies for the  
30 voluntary shared leave program to allow an employee at a community college to donate sick  
31 leave to a nonfamily member employee of a community college. A donor of sick leave to a  
32 nonfamily member recipient shall not donate more than five days of sick leave per year to any  
33 one nonfamily member recipient. The combined total of sick leave donated to a recipient from  
34 nonfamily member donors shall not exceed 30 days per year. Donated sick leave shall not be  
35 used for retirement purposes, and employees who donate sick leave shall be notified in writing  
36 of the State retirement credit consequences of donating sick leave."

37 SECTION 4. This act becomes effective January 1, 2010.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1466**

A BILL TO BE ENTITLED AN ACT TO COORDINATE THE  
REPORT DUE DATES FOR VARIOUS TEACHER EDUCATION REPORTS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1466**

Short Title:   Coordinate Teacher Ed Reporting Requirements. (Public)

Sponsors:   Representatives Yongue, McLawhorn, Lucas (Primary Sponsors); Bell, Faison,  
Glazier, Insko, Rapp, Tolson, and Wray.

Referred to:   Education, if favorable, Appropriations.

April 13, 2009

**A BILL TO BE ENTITLED  
AN ACT TO COORDINATE THE REPORT DUE DATES FOR VARIOUS TEACHER  
EDUCATION REPORTS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-11 is amended by adding a new subdivision to read:

**"(12d)** The Board of Governors shall provide a comprehensive annual report on teacher education efforts at The University of North Carolina. The report shall include information about teacher education and recruitment, 2+2 initiatives, distance education programs focused on teacher education and professional development programs for teachers and school administrators. The teacher education report shall be due on April 15 of each year to the Joint Legislative Education Oversight Committee and the State Board of Education."

**SECTION 2.** G.S. 116-74.21(c) reads as rewritten:

"(c) The Board of Governors shall study the issue of supply and demand of school administrators to determine the number of school administrators to be trained in the programs in each year of the biennium and report the results of this study to the Joint Legislative Education Oversight Committee no later than ~~March 1~~ April 15 annually."

**SECTION 3.** Section 9.7(c) of S.L. 2008-107 reads as rewritten:

**"SECTION 9.7.(c)** The University of North Carolina and Community Colleges System Office shall report by ~~September 1, 2008, April 15, 2010,~~ and annually thereafter, to the Joint Legislative Education Oversight ~~Commission, Committee,~~ the State Board of Education, the Office of State Budget and Management, and the Fiscal Research Division of the General Assembly on the implementation of the UNC-NCCCS 2+2 E-Learning Initiative. This report shall include:

- (1) The courses and programs within the 2+2 E-Learning Initiative;
- (2) The total number of prospective teachers that have taken or are taking part in this initiative to date broken down by the current academic period and each of the previous academic periods since the program's inception;
- (3) The total number of teachers currently in the State's classrooms, by local school administrative unit, who have taken part in this initiative;
- (4) The change in the number of teachers available to schools since the program's inception;
- (5) The qualitative data from students, teachers, local school administrative unit personnel, university personnel, and community college personnel as to the impact of this initiative on our State's teaching pool; and





- 1 (6) An explanation of the expenditures and collaborative programs between the  
2 North Carolina Community College System and The University of North  
3 Carolina, including recommendations for improvement."

4 **SECTION 4.** Section 9.3(c) of S.L. 2005-276 reads as rewritten:

5 "SECTION 9.3.(c) These results shall be reported by ~~September 1, 2006,~~ April 15, 2010,  
6 and annually thereafter to the State Board of Education, the Board of Governors of The  
7 University of North Carolina, the State Board of Community Colleges, the Education Cabinet,  
8 the Joint Legislative Education Oversight ~~Commission,~~ Committee, and the Office of State  
9 Budget and Management."

10 **SECTION 5.** Section 9.9 of S.L. 2002-126 reads as rewritten:

11 "SECTION 9.9. The Board of Governors of The University of North Carolina may allow  
12 Elizabeth City State University, the University of North Carolina at Pembroke, and Western  
13 Carolina University each to allocate up to one hundred seventy-eight thousand three hundred  
14 eighty dollars (\$178,380) of the funds allocated to them for focused enrollment growth for a  
15 maximum of 20 Prospective Teacher Scholars. These funds may be used to recruit new  
16 nonresident students to enter into agreements to: (i) pursue a full-time course of study that will  
17 lead to teacher certification in North Carolina and (ii) teach in a North Carolina public school  
18 or a school operated by the United States government in North Carolina for one year for each  
19 year that they receive this benefit. The Board of Governors shall establish guidelines and  
20 regulations for this pilot program, including methodology for determining its success in  
21 increasing the supply of qualified teachers for North Carolina public schools. The Board shall  
22 report its guidelines and regulations to guide these pilot programs to the Joint Legislative  
23 Education Oversight Committee by ~~November 15, 2002,~~ April 15, 2010. The Board shall report  
24 annually to the Committee on the progress of the pilot programs and their costs."

25 **SECTION 6.** This act is effective when it becomes law.



## HOUSE BILL 1466: Coordinate Teacher Ed Reporting Requirements

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 10, 2009
<b>Introduced by:</b>	Reps. Yongue, McLawhorn, Lucas	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 1466 directs the Board of Governors of The University of North Carolina to make an annual report on teacher education efforts to the Joint Legislative Education Oversight Committee and the State Board of Education on April 15.*

*The bill has a serial referral to House Appropriations Committee.*

**BILL ANALYSIS:** House Bill 1466 directs the Board of Governors of The University of North Carolina to make one comprehensive report by consolidating selected existing reports on teacher education and recruitment, 2+2 initiatives, distance education programs focused on teacher education and professional development for teachers and school administrators. The comprehensive annual report to the Joint Legislative Education Oversight Committee and the State Board of Education is due on April 15. The bill makes conforming and technical changes.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**BACKGROUND:** The University of North Carolina has listed the consolidation of seven existing reports into one comprehensive report on teacher education issues as a part of its 2009-2010 Legislative Policy Agenda.

H1466-SMRJ-54(e1) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1520**

A BILL TO BE ENTITLED AN ACT TO CREATE AN EXCEPTION TO THE TUITION SURCHARGE POLICY OF THE UNIVERSITY OF NORTH CAROLINA FOR STUDENTS WHO HAVE DOUBLE MAJORS OR ARE EARNING COMBINED BACHELOR'S DEGREES.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1520  
PROPOSED COMMITTEE SUBSTITUTE H1520-CSRQ-29 [v.2]**

5/9/2009 3:13:09 PM

Short Title: Study Tuition Surcharge.

(Public)

Sponsors:

Referred to:

April 20, 2009

A BILL TO BE ENTITLED  
AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH  
CAROLINA TO STUDY AND EVALUATE THE TUITION SURCHARGE POLICY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Board of Governors of The University of North Carolina shall study and evaluate the tuition surcharge required by subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws that mandates a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. In conducting the study, the Board of Governors shall consider the following:

- (1) The impact of the tuition surcharge on retention and graduation rates.
- (2) Whether the current exemptions from the tuition surcharge need to be expanded for students who are pursuing double or combined bachelors degrees.
- (3) Whether other exemptions from the tuition surcharge need to be created for the various circumstances that students, including nontraditional students, may encounter in pursuit of a baccalaureate degree.
- (4) Whether the tuition surcharge needs to be raised or lowered or differentiated.
- (5) Any other issues related to the tuition surcharge.

The Board Governors shall report to the Joint Legislative Education Oversight Committee by March 31, 2010, on its findings and recommendations.

**SECTION 2.** This act becomes effective July 1, 2009.



\* H 1 5 2 0 - C S R Q - 2 9 - V - 2 \*



## HOUSE BILL 1520: Tuition Surcharge/Double Major or 2 Degrees

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 12, 2009
<b>Introduced by:</b>	Rep. Tolson	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition H1520-CSRQ-29		Committee Counsel

**SUMMARY:** *The Proposed Committee Substitute (PCS) for House Bill 1520 directs the Board of Governors of The University of North Carolina to study and evaluate the tuition surcharge policy.*

**BILL ANALYSIS:** The PCS for House Bill 1520 directs the Board of Governors of The University of North Carolina to study and evaluate the tuition surcharge policy that mandates a 25% tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than 110% of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board as a 5 year program.

The Board must consider the following in its study:

- The impact of the tuition surcharge on retention and graduation rates.
- Whether the current exemptions from the tuition surcharge need to be expanded for students pursuing double or combined bachelors degrees.
- Whether other exemptions from the tuition surcharge need to be created for the various circumstances students, including nontraditional students, encounter in pursuit of a baccalaureate degree.
- Whether the tuition surcharge needs to be raised, lowered, or differentiated.
- Any other issues related to the tuition surcharge.

The Board shall report on its findings and recommendations to the Joint Legislative Education Oversight Committee by March 31, 2010.

**EFFECTIVE DATE:** The bill would become effective July 1, 2009.

### BACKGROUND:

Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program.

The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."

H1520-SMRQ-77(CSRQ-29) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1520**

Short Title: Tuition Surcharge/Double Major or 2 Degrees. (Public)

Sponsors: Representatives Tolson; and Hughes.

Referred to: Education, if favorable, Appropriations.

April 20, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE AN EXCEPTION TO THE TUITION SURCHARGE POLICY OF  
THE UNIVERSITY OF NORTH CAROLINA FOR STUDENTS WHO HAVE DOUBLE  
MAJORS OR ARE EARNING COMBINED BACHELOR'S DEGREES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subsection (b) of Section 89 of Chapter 321 of the 1993 Session  
Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws, reads as  
rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that  
procedures are established that are necessary to impose a twenty-five percent (25%) tuition  
surcharge on students who take more than 140 degree credit hours to complete a baccalaureate  
degree in a four-year program or more than one hundred ten percent (110%) of the credit hours  
necessary to complete a baccalaureate degree in any program officially designated by the Board  
of Governors as a five-year program. The calculation of these credit hours taken at a constituent  
institution or accepted for transfer shall exclude hours earned through the College Board's  
Advanced Placement or CLEP examinations, through institutional advanced placement or  
course validation, or through summer term or extension programs. No surcharge shall be  
imposed on any student who exceeds the degree credit hour limits within the equivalent of four  
academic years of regular term enrollment, or within five academic years of regular term  
enrollment in a degree program officially designated by the Board of Governors as a five-year  
program. The Board of Governors shall establish a policy that provides for an exemption to the  
tuition surcharge for students who have double majors or who are earning combined bachelor's  
degrees.

The Board shall report to the Joint Legislative Education Oversight Committee by April 1,  
1994, on its recommendations for implementing this surcharge."

**SECTION 2.** This act becomes effective July 1, 2009.



\* H 1 5 2 0 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1520  
PROPOSED COMMITTEE SUBSTITUTE H1520-PCS50699-RQ-29**

Short Title: Study Tuition Surcharge.

(Public)

Sponsors:

Referred to:

April 20, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY AND EVALUATE THE TUITION SURCHARGE POLICY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Board of Governors of The University of North Carolina shall study and evaluate the tuition surcharge required by subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws that mandates a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. In conducting the study, the Board of Governors shall consider the following:

- (1) The impact of the tuition surcharge on retention and graduation rates.
- (2) Whether the current exemptions from the tuition surcharge need to be expanded for students who are pursuing double or combined bachelor's degrees.
- (3) Whether other exemptions from the tuition surcharge need to be created for the various circumstances that students, including nontraditional students, may encounter in pursuit of a baccalaureate degree.
- (4) Whether the tuition surcharge needs to be raised or lowered or differentiated.
- (5) Any other issues related to the tuition surcharge.

The Board Governors shall report to the Joint Legislative Education Oversight Committee by March 31, 2010, on its findings and recommendations.

**SECTION 2.** This act becomes effective July 1, 2009.



\* H 1 5 2 0 - P C S 5 0 6 9 9 - R Q - 2 9 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1520**

Short Title: Tuition Surcharge/Double Major or 2 Degrees.	(Public)
<hr/>	
Sponsors: Representatives Tolson; and Hughes.	
<hr/>	
Referred to: Education, if favorable, Appropriations.	
<hr/>	

April 20, 2009

A BILL TO BE ENTITLED  
AN ACT TO CREATE AN EXCEPTION TO THE TUITION SURCHARGE POLICY OF  
THE UNIVERSITY OF NORTH CAROLINA FOR STUDENTS WHO HAVE DOUBLE  
MAJORS OR ARE EARNING COMBINED BACHELOR'S DEGREES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a twenty-five percent (25%) tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program. The Board of Governors shall establish a policy that provides for an exemption to the tuition surcharge for students who have double majors or who are earning combined bachelor's degrees.

The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."

**SECTION 2.** This act becomes effective July 1, 2009.





House Pages

Name of Committee: Education Date: 5-12-09

1. Name: Taylor Turnas ✓  
County: Randolph

Sponsor: Joe Hackney

2. Name: Ryan McMillan  
County: Wake

Sponsor: Joe Hackney

3. Name: Christian Shelton  
County: Guilford

Sponsor: Joe Hackney

4. Name: Will Reuther ✓  
County: Philadelphia, P.A.

Sponsor: Joe Hackney

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Sgt.-At-Arms

Name: Martin Lee

2. Name: Judy Turner

3. Name: Martha Parrish

John Brandon  
Trey Raley

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**1:00 P.M.**  
**Tuesday, May 12, 2009**

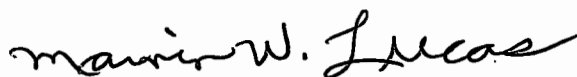
**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

**HB 348 Modify Educ. Requirements/School Bd. – There is a PCS and the Committee agrees it is properly before them. Representative Fisher is called on to explain the bill. There were many, many questions and comments by several members and Ms. Leanne Winner (WCSBA). Representative Tarleton moves to amend the bill, lines 6-23. He then moves to temporarily suspend the amendment. Representative Fisher has a perfecting amendment. Representative Glazier moves to accept perfecting amendment. The Committee concurs and the amendment passes. Representative Bryant moves for a favorable report to the proposed committee substitute, unfavorable to the original bill and that the bill be re-referred to Judiciary III Committee. The Committee concurs and the bill passes.**

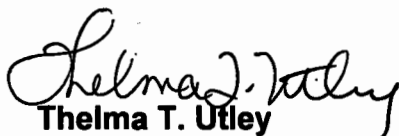
**HB 1322 Probationary Teacher Appeals – There is a PCS and the Committee agrees it is properly before them. Representative Jeffus explains the bill. There were many, many questions/comments by members of the Committee, Mr. Brian Lewis (NCAE) and Ms. Leanne Winner (WCSBA). Representative Womble moves for a favorable report to the PCS, unfavorable to the original and that the bill be re-referred to the Judiciary III Committee. The Committee concurs and the bill passes.**

**Meeting recessed until after Session today.**

**Respectfully submitted,**



**Marvin W. Lucas**  
**Chair**

  
**Thelma T. Utley**  
**Committee Assistant**

Time change for pm meeting & bills added

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, May 12, 2009

**TIME:** 1:00 pm

**LOCATION:** 643 LOB

**COMMENTS:** Meetings 11:00 and 1:00

The following bills will be considered at 2:00:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 348	Modify Educ. Requirement/School Bd. Members.	Representative Fisher Representative Glazier Representative Johnson Representative Bell
HB 661	City Managers on School Boards.	Representative Warren
HB 1024	Lottery Advertising Compliance Act.	Representative Folwell Representative Harrison Representative Hurley Representative Burr
HB 1116	Home Schoolers Participate in School Sports.	Representative Cleveland Representative Glazier Representative Hilton Representative Tillis
HB 1176	Reorganize Schools with High Dropout Rate.	Representative Coates Representative Steen, II Representative Crawford, Jr. Representative Langdon, Jr.
HB 1260	Voter Preregistration and Education.	Representative Bryant Representative Cotham Representative Burr Representative Burris-Floyd
HB 1474	Credit Education Req'd/High School Seniors.	Representative Williams, III Representative Glazier Representative Cotham Representative Farmer-Butterfield

HB 1492	UNC Tuition Amendments.	Representative Current, Sr. Representative Cleveland
HB 1292	Employment of Noncertified School Personnel	Representative Harrison Representative Jeffus Representative Womble Representative Lucas
HB 1322	Probationary Teacher Appeals	Representative Jeffus
HB 1394	Legislative Study of Alternative Schools	Representative Bryant Representative Lucas Representative Parmon

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 16 o'clock on **May 11, 2009**.

Principal Clerk  
Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

## VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gulyn Alenhome	EDOR
Karl Love	lx - potus
Conor Brockett	ncsba
Emily Doyle	NCPAPA
Gene Causby	NCSA
Lloyd Thrower	NCPAPA
Katherine Jaga	NCSA
Paul Collins	NC State Board of Education
Chris Minard	State Bd of Ed.
Tim Stegall	UCPS
James Cameron	Rep Jeffers

—

05/12/2009

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**FIRM OR AGENCY AND ADDRESS**

WCSBA

CHUCK WAS AUC

NCFPC

 $\lambda$

# VISITOR REGISTRATION SHEET

EDUCATION

05/12/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Lauren Whaley	NC Credit Union League
Chris Nichols	Int'l - Glazier
Andrew S. Cho	NCHSAA
Rick Strunk	NCHSAA
Ren Bryan	NC Teacher Academy
Lukia Koon	NC Teacher Academy
Mallory Hatcher	MWLC
Bob Hall	Democracy NC
Damon C. Crichton	NCCVE
Phil Thompson	Covenant of NC's Children
Rob Black	Teachers

## VISITOR REGISTRATION SHEET

**Name of Committee****Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

**FIRM OR AGENCY AND ADDRESS**

DOWN

nwc

Gary O. Bartlett

SBE



**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, May 12, 2009**  
**1:00 p.m.**  
**Room 643 LOB**

**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**  
**Welcome/Introductions**

**Bills to be considered:**

<b>HB 348</b>	<b>Modify Educ. Requirement/School Bd. Members.</b> <b>JUDICIARY III</b>	<b>Representative Fisher</b> <b>Representative Glazier</b> <b>Representative Johnson</b> <b>Representative Bell</b>
<b>HB 661</b>	<b>City Managers on School Boards.</b> <b>JUDICIARY III</b>	<b>Representative Warren</b>
<b>HB 1024</b>	<b>Lottery Advertising Compliance Act.</b>  <b>FINANCE</b>	<b>Representative Folwell</b> <b>Representative Harrison</b> <b>Representative Hurley</b> <b>Representative Burr</b>
<b>HB 1116</b>	<b>Home Schoolers Participate in School Sports.</b>  <b>FINANCE</b>	<b>Representative Cleveland</b> <b>Representative Glazier</b> <b>Representative Hilton</b> <b>Representative Tillis</b>
<b>HB 1176</b>	<b>Reorganize Schools with High Dropout Rate.</b>  <b>APPROPRIATIONS</b>	<b>Representative Coates</b> <b>Representative Steen, II</b> <b>Representative Crawford, Jr.</b> <b>Representative Langdon, Jr.</b>
<b>HB 1260</b>	<b>Voter Preregistration and Education.</b>	<b>Representative Bryant</b> <b>Representative Cotham</b> <b>Representative Burr</b> <b>Representative Burris-Floyd</b>

**HB 1474      Credit Education Req'd/High School  
Seniors.**

**Representative Williams, III  
Representative Glazier  
Representative Cotham  
Representative Farmer-  
Butterfield**

**APPROPRIATIONS**

**HB 1492      UNC Tuition Amendments.**

**Representative Current, Sr.  
Representative Cleveland**

**APPROPRIATIONS**

**HB 1292      Employment of Noncertified  
School Personnel.**

**Representative Harrison  
Representative Jeffus  
Representative Womble  
Representative Lucas**

**JUDICIARY I**

**HB 1322      Probationary Teacher Appeals.  
JUDICIARY III**

**Representative Jeffus**

**HB 1394      Legislative Study of Alternative  
Schools.**

**Representative Bryant  
Representative Lucas  
Representative Parmon**

**RULES, CALENDAR &  
OPERATIONS OF THE HOUSE**

**Adjournment**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 348** A BILL TO BE ENTITLED AN ACT TO MODIFY THE EDUCATION  
REQUIREMENT FOR SERVICE ON A LOCAL BOARD OF EDUCATION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 348  
PROPOSED COMMITTEE SUBSTITUTE H348-CSTC-41 [v.2]

5/12/2009 12:41:37 PM

Short Title: Modify Educ. Requirement/School Bd. Members.

(Public)

Sponsors:

Referred to:

March 2, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE EDUCATION REQUIREMENT FOR SERVICE ON A LOCAL BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-50 reads as rewritten:

"§ 115C-50. Training of board members.

All members of local boards of education shall receive a minimum of 12 clock hours of training ~~annually~~ each fiscal year for each full fiscal year of service or a prorated number of hours for each partial year.

For a board member who has not previously served on a North Carolina board of education, these hours shall include new board member training provided by the North Carolina School Boards Association. These hours shall be completed between the date of the member's appointment or election and the date member completes one year of service.

The training shall include but not be limited to public school law, public school finance, and duties and responsibilities of local boards of education. The training may be provided by the North Carolina School Boards Association, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the local board of education.

SECTION 2. G.S. 115C-50 reads as rewritten:

"§ 115C-50. Training of board members.

(a) All members of local boards of education shall receive a minimum of 12 clock hours of training each fiscal year for each full fiscal year of service or a prorated number of hours for each partial year.

For a board member who has not previously served on a North Carolina board of education, these hours shall include new board member training provided by the North Carolina School Boards Association. These hours shall be completed between the date of the member's appointment or election and the date member completes one year of service.

(b) The training shall include but not be limited to public school law, public school finance, and duties and responsibilities of local boards of education. The training may be provided by the North Carolina School Boards Association, the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources at the choice of the local board of education. Training topics for which members may receive credit toward the 12 clock hours required under this section shall be determined by the State Board of Education and the North Carolina School Boards Association working cooperatively.



\* H 3 4 8 - C S T C - 4 1 - V - 2 \*

1 Board members shall report all creditable hours to the North Carolina School Boards  
2 Association. The North Carolina School Boards Association shall provide to the State Board of  
3 Education annually its record of training received by all members. If credit is denied for a  
4 specific training, the board member may request a review of that dispute by an individual  
5 designated by the State Board of Education and acting on behalf of the Board.

6 (c) For each hour of training that a board member fails to complete, the State Board of  
7 Education may assess a fine of one hundred dollars (\$100.00). Notwithstanding  
8 G.S. 115C-457.2, the clear proceeds of the fine shall be paid to the local school administrative  
9 unit on whose board the member serves.

10 The Board may garnish the wages, salary, or other employment income of, and the  
11 Secretary of Revenue shall withhold amounts from State tax refunds to, any person who fails to  
12 pay the fine."

13 **SECTION 3.** Section 2 of this act becomes effective July 1, 2010. The remainder  
14 of this act becomes effective July 1, 2009.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 348

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H348-ATC-34 [v.1]

Page 1 of 1

Comm. Sub: [YES]  
Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2009

Representative Fisher

1 moves to amend the bill on page 2, lines 6-12, by rewriting those lines to read:

2  
3 "(c) For each hour of training that a board member fails to complete, the State Board of  
4 Education may assess a fine of one hundred dollars (\$100.00), plus the costs of assessment and  
5 collection. Notwithstanding G.S. 115C-457.2, the clear proceeds of the fine shall be paid to the  
6 local school administrative unit on whose board the member serves."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



\* H 3 4 8 - A T C - 3 4 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1322**

A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING  
PROCESS APPLICABLE TO PROBATIONARY TEACHERS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1322\*  
PROPOSED COMMITTEE SUBSTITUTE H1322-PCS30387-TC-38

Short Title: Probationary Teacher Appeals.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY  
TEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-325 reads as rewritten:

"§ 115C-325. System of employment for public school teachers.

- ...
- (c) (1) Election of a Teacher to Career Status. – Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The teacher has a right to notice and hearing prior to the board's vote as provided in G.S. 115C-325(m)(7). The board shall give the teacher written notice of that decision by ~~June 15~~ June 15 or such later date as provided in G.S. 115C-325(m)(7). If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:
- a. ~~It shall not reemploy the teacher for a fifth consecutive year;~~
- b. ~~As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and~~
- e. ~~The status, the~~ teacher shall be entitled to an additional month's pay for every 30 days or portion thereof after June 16 ~~that the board fails to vote upon the issue of granting career status, or such later date as provided in G.S. 115C-325(m)(7) if a majority of the board belatedly votes against granting career status.~~

(m) Probationary Teacher.

- (1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by



\* H 1 3 2 2 - P C S 3 0 3 8 7 - T C - 3 8 \*

- the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.
- (2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.
- (3) The superintendent shall provide written notice to a probationary teacher no later than May 15 of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to (i) request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal; and (ii) request a hearing for those teachers eligible for a hearing under G.S 115C-325(m)(4). The failure to file a timely request within the 10 days shall result in a waiver of the right to this information and any right to a hearing. If a teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board making a decision or holding a hearing as provided in this section. The board shall adopt a policy to provide for the orderly exchange of information prior to the board's decision on the superintendent's recommendation for nonrenewal.
- (4) If the probationary teacher is eligible for career status pursuant to G.S. 115C-325(c)(1) and (2) and the superintendent recommends not to give the probationary teacher career status, the probationary teacher has the right to a hearing before the board unless the reason is a justifiable board- or superintendent-approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.
- (5) For probationary contracts that are not in the final year before the probationary teacher is eligible for career status, the probationary teacher shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the probationary teacher making the petition of its decision whether to grant a hearing.
- (6) Any hearing held according to this section shall be pursuant to the provisions of G.S. 115C-45(c).
- (7) The board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the superintendent and teacher.
- (8) All final board decisions to nonrenew a probationary teacher shall be subject to judicial review pursuant to Article 4 of Chapter 150B of the General Statutes.

...

(o) ~~Resignation; Nonrenewal of Contract.~~ Resignation. – A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board

1 may request that the State Board of Education revoke the teacher's certificate for the remainder  
2 of that school year. A copy of the request shall be placed in the teacher's personnel file.

3 ~~A probationary teacher whose contract will not be renewed for the next school year shall be~~  
4 ~~notified of this fact by June 15.~~

5 ...."

6 **SECTION 2.** This act is effective when it becomes law. G.S. 115C-325(m)(4), as  
7 enacted by Section 1 of this act, applies to proceedings initiated after August 31, 2010. The  
8 remainder of this act applies to proceedings initiated after August 31, 2009.

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**6:30 p.m.**  
**Tuesday, May 12, 2009**

**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the sergeant-at-arms (list attached and also attendance and visitor registration sheets).**

**HB 661 City Managers on School Boards – Representative R. Warren was called on to explain the bill. Representative Tillis moved for a favorable report and the bill be re-referred to Judiciary III Committee. The Committee concurs and the bill passes.**

**HB 1024 Lottery Advertising Compliance Act – There is a PCS and Representative Stam moves it is properly before the Committee. Representative Folwell is called on to explain the bill. Representative Blackwood moves for a favorable report to the committee substitute, unfavorable to the original bill and the committee substitute bill be re-referred to the Judiciary II Committee. The Committee concurs and the bill passes.**

**HB 1176 Reorganize Schools with High Dropout Rate – Representative Coates is called on to explain the bill. Representative Stam moves to amend the bill on page 1, line 5 by deleting “70/30%,” and by substituting “less than 71%,” and the amendment passes. Representative Blackwood moves for a favorable report as amended and recommendation that the bill be re-referred to the Committee on Appropriations. The Committee concurs and the bill passes.**

**HB 1474 Credit Education Req'd/High School Seniors – Representative Bell moves the PCS is properly before the Committee. Representative Williams is called on to explain the bill. Representative Ross moves for a favorable to the committee substitute, which changes the title, unfavorable to the original bill and that the committee substitute bill be re-referred to Committee on Appropriations. The Committee concurs and the bill passes.**

**HB 1492 UNC Tuition Amendments – Representative Cleveland steps in for Representative Current to explain the bill. The bill is amended on page 4, line 24 by rewriting the title of the bill and on page 1, lines 8-17 and section 2 substituting section 1 on page 2, line 5. Representative Womble moves for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill and recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. The Committee concurs and the bill passes.**

**HB 1292 Employment of Noncertified School Personnel – The Committee agrees that the PCS is properly before them. Representative Harrison is called on to explain the bill. Representative Womble moves for a favorable report to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary I. The Committee concurs and the bill passes.**

**HB 1446 Amend Law Re: School Improvement Plan - Representative Glazier's bill and Representative Lucas relinquishes the gavel to explain the bill. Representative Langdon moves the proposed committee substitute is properly before the Committee. The Committee agrees. Representative Stam will have an amendment for the Floor. Representative Tillis moves for a favorable report for the proposed committee substitute, unfavorable to the original and that the committee substitute be re-referred to Appropriations. The Committee concurs and the bill passes.**

**HB 1327 School Notified of Gang Membership – Representative Womble moves the proposed committee substitute is properly before the Committee. Representative Folwell explains the bill. Representative McCormick moves for a favorable report to the proposed committee substitute, unfavorable to the original and that the committee substitute be re-referred to Judiciary II. The Committee concurs and the bill passes.**

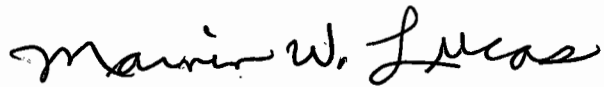
**HB 1260 Voter Preregistration and Education – Representative Bryant is called on to explain the bill. Representative Fisher moves for a favorable report. The Committee concurs and the bill passes.**

**HB 1116 Home Schoolers Participate in School Sports – Representative Cleveland is called on to explain the bill. There were comments and questions by several members. Representative Tillis call for the ayes and nos. Representative Tillis moves to amend the bill on page 2, lines 29-30. The amendment is adopted by the Committee. Other persons speaking on the bill: Kathryn Joyce and Marge Foreman. Representative Bordsen moves for an unfavorable report as amended. Representative Bordsen withdraws her motion. Representative Samuelson moves for a favorable report as amended with a referral to the Finance Committee. The roll was called by Committee Assistant. The motion failed with a vote of 17 to 16.**

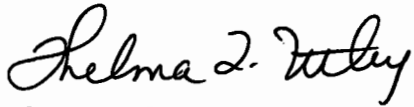
**HB 1492 UNC Tuition Amendments – Representative Cleveland is called on to explain the bill. Representative Ross moves for a favorable report as to the committee substitute bill, which changes the title, unfavorable to the original bill and recommendation that the committee substitute bill be re-referred to Committee on Appropriations. The Committee concurs and the bill passes.**

**The meeting adjourned.**

**Respectfully submitted,**

A handwritten signature in cursive script that reads "Marvin W. Lucas".

**Marvin W. Lucas**  
**Chair**

A handwritten signature in cursive script that reads "Thelma T. Utley".

**Thelma T. Utley**  
**Committee Assistant**

Meeting Immediately After Session

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, May 12, 2009

**TIME:** After Session

**LOCATION:** Auditorium LB

**COMMENTS:** Adding HB 1446 and HB 1327

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 348	Modify Educ. Requirement/School Bd. Members.	Representative Fisher Representative Glazier Representative Johnson Representative Bell
HB 661	City Managers on School Boards.	Representative Warren
HB 1024	Lottery Advertising Compliance Act.	Representative Folwell Representative Harrison Representative Hurley Representative Burr
HB 1116	Home Schoolers Participate in School Sports.	Representative Cleveland Representative Glazier Representative Hilton Representative Tillis
HB 1176	Reorganize Schools with High Dropout Rate.	Representative Coates Representative Steen, II Representative Crawford, Jr. Representative Langdon, Jr.
HB 1260	Voter Preregistration and Education.	Representative Bryant Representative Cotham Representative Burr Representative Burris-Floyd
HB 1474	Credit Education Req'd/High School Seniors.	Representative Williams, III Representative Glazier Representative Cotham Representative Farmer-Butterfield

HB 1492	UNC Tuition Amendments.	Representative Current, Sr. Representative Cleveland
HB 1292	Employment of Noncertified School Personnel	Representative Harrison Representative Jeffus Representative Womble Representative Lucas
HB 1322	Probationary Teacher Appeals	Representative Jeffus
HB 1394	Legislative Study of Alternative Schools	Representative Bryant Representative Lucas Representative Parmon
HB 1446	Amend Law Re: School Improvement Plan	Representative Glazier Representative Parmon Representative Cotham
HB 1327	Schools Notified of Gang Membership	Representative Folwell Representative Justice Representative Cleveland

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 16 o'clock on **May 12, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)



## VISITOR REGISTRATION SHEET

Education

Name of Committee

6 PM 5/12/09

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

DAVE Simpson	NC ACTE / CROC
Mary Froman	NCAE
Gene Carshy	NC SCA
Bob Hall	Democracy NC
Jel Maynard	CMS
Damon Carshy	NC Voter Ed
Chris Minard	State Bd of Ed

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, May 12, 2009**  
**Immediately After Session**  
**Legislative Auditorium**

**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**  
**Welcome/Introductions**

**Bills to be considered:**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 661	City Managers on School Boards.	Representative Warren
HB 1024	Lottery Advertising Compliance Act.	Representative Folwell Representative Harrison Representative Hurley Representative Burr
HB 1116	Home Schoolers Participate in School Sports.	Representative Cleveland Representative Glazier Representative Hilton Representative Tillis
HB 1176	Reorganize Schools with High Dropout Rate.	Representative Coates Representative Steen, II Representative Crawford, Jr. Representative Langdon, Jr.
HB 1260	Voter Preregistration and Education.	Representative Bryant Representative Cotham Representative Burr Representative Burris-Floyd
HB 1474	Credit Education Req'd/High School Seniors.	Representative Williams, III Representative Glazier Representative Cotham Representative Farmer-Butterfield
HB 1492	UNC Tuition Amendments.	Representative Current, Sr. Representative Cleveland
HB 1292	Employment of Noncertified School Personnel	Representative Harrison Representative Jeffus Representative Womble

HB 1322 Probationary Teacher Appeals

HB 1394 Legislative Study of Alternative  
Schools

Representative Lucas

Representative Jeffus

Representative Bryant

Representative Lucas

Representative Parmon

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

☐ Committee Substitute for

**HB 661** A BILL TO BE ENTITLED AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO SERVE AS MEMBERS OF BOARDS OF EDUCATION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 661

Short Title: City Managers on School Boards.

(Public)

Sponsors: Representative R. Warren.

Referred to: Education, if favorable, Judiciary III.

March 19, 2009

A BILL TO BE ENTITLED  
AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO  
SERVE AS MEMBERS OF BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-147 reads as rewritten:

**"§ 160A-147. Appointment of city manager; dual office holding.**

(a) In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of the manager's executive and administrative qualifications. The manager need not be a resident of the city or State at the time of appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

(b) Notwithstanding the provisions of subsection (a), a city manager may serve on a county board of education that is elected on a non-partisan basis if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 10,000;
- (2) The city is located in two counties; and
- (3) The population of the county in which the city manager resides does not exceed 40,000.

(b1) Notwithstanding the provisions of subsection (a) of this section, a city manager may serve on a city or county board of education that is elected on a nonpartisan basis if the population of the city by which the city manager is employed does not exceed 3,000.

(c) Notwithstanding the provisions of subsection (a), a city manager may hold elective office if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 3,000.
- (2) The city manager is an elected official of a city other than the city by which the city manager is employed.

(d) For the purposes of this section, population figures shall be according to the latest United States decennial figures issued at the time the second office is assumed. If census figures issued after the second office is assumed increase the city or county population beyond the limits of this section, the city manager may complete the term of elected office that the city manager is then serving."

**SECTION 2.** This act is effective when it becomes law.





# HOUSE BILL 661: City Managers on School Boards

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Judiciary III	<b>Date:</b>	May 12, 2009
<b>Introduced by:</b>	Rep. R. Warren	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *HB 661 would permit city managers employed by cities with populations not exceeding 3,000 to serve on a city or county board of education elected on a nonpartisan basis.*

**CURRENT LAW:** G.S. 160A-147 provides for appointment of city managers in cities using the council-manager form of government. The office of city manager is declared to be an office that may be held concurrently with other appointive, but not elective, offices pursuant to Article VI, Sec. 9 of the Constitution.

Article VI, Sec. 9 prohibits any person from concurrently holding two or more appointive offices or places of trust or profit, or any combination of elective and appointive offices or places of trust or profit, except as the General Assembly shall provide by general law.

G.S. 128-1.1 provides that person who holds an appointive office, place of trust or profit in State or local government is authorized to hold concurrently one other appointive office, place of trust or profit, or an elective office in either State or local government.

G.S. 160A-147 also provides two exceptions to the prohibition on city managers holding a concurrent elective office.

1. A city manager may serve on a county board of education elected on a nonpartisan basis if:

- The population of the city employing the city manager does not exceed 10,000,
- The city is located in two counties, and
- The population of the county in which the city manager resides does not exceed 40,000.

2. A city manager may hold elective office if:

- The population of the city by which the city manager is employed does not exceed 3,000.
- The city manager is an elected official of a city other than the city which employs the city manager.

Population figures are determined by the latest U.S. decennial figures at the time the second office is assumed, and if there is an increase in population after the second office is assumed, the city manager may complete the term of office then serving.

**BILL ANALYSIS:** HB 661 would provide a third exception to the prohibition on city managers holding a concurrent elective office. A city manager would be permitted to serve on a city or county board of education elected on a nonpartisan basis if the population of the city by which the city manager was employed did not exceed 3,000.

**EFFECTIVE DATE:** HB 661 would become effective when it becomes law.

H661-SMTC-67(e1) v4

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 971** A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT  
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ALTERNATIVE  
SCHOOLS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 971  
PROPOSED COMMITTEE SUBSTITUTE H971-PCS70428-RJ-23**

Short Title: Legislative Study of Alternative Schools.

(Public)

Sponsors:

Referred to:

April 2, 2009

A BILL TO BE ENTITLED  
AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE TO STUDY ALTERNATIVE SCHOOLS.

Whereas, an average of one in 10 North Carolina students receives a short-term out-of-school suspension each year; and

Whereas, during the 2006-2007 school year, there were a total of 308,010 short-term suspensions resulting in a loss of between 924,030 and 1,540,050 instructional days; and

Whereas, during the 2006-2007 school year, a disproportionate number of short-term out-of-school suspensions were received by African-American, American Indian, ninth graders, and special education students; and

Whereas, similar patterns are seen with long-term suspensions, which are suspensions of 11 days or more; and

Whereas, during the 2006-2007 school year, there were a total of 4,682 long-term suspensions resulting in more than 50,000 days of lost instructional time; and

Whereas, young people who are suspended from school are at an increased risk of poor academic performance, being less connected to the school setting, dropping out of school, and becoming involved in the juvenile justice, criminal justice, and mental health systems; and

Whereas, encouraging connectedness to school and focusing on those at risk of being suspended or expelled would undoubtedly improve the outcomes for these children; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Education Oversight Committee shall study the number of alternative schools that currently exist in North Carolina, how effective those schools are in helping at-risk students reach academic success, and any other issues that the Committee considers relevant to this topic. The Committee shall report the results of this study to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 2.** This act is effective when it becomes law.





**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**2**

**HOUSE BILL 971  
Committee Substitute Favorable 5/12/09**

Short Title: Legislative Study of Alternative Schools.

(Public)

Sponsors:

Referred to:

April 2, 2009

A BILL TO BE ENTITLED  
AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE TO STUDY ALTERNATIVE SCHOOLS.

Whereas, an average of one in 10 North Carolina students receives a short-term out-of-school suspension each year; and

Whereas, during the 2006-2007 school year, there were a total of 308,010 short-term suspensions resulting in a loss of between 924,030 and 1,540,050 instructional days; and

Whereas, during the 2006-2007 school year, a disproportionate number of short-term out-of-school suspensions were received by African-American, American Indian, ninth graders, and special education students; and

Whereas, similar patterns are seen with long-term suspensions, which are suspensions of 11 days or more; and

Whereas, during the 2006-2007 school year, there were a total of 4,682 long-term suspensions resulting in more than 50,000 days of lost instructional time; and

Whereas, young people who are suspended from school are at an increased risk of poor academic performance, being less connected to the school setting, dropping out of school, and becoming involved in the juvenile justice, criminal justice, and mental health systems; and

Whereas, encouraging connectedness to school and focusing on those at risk of being suspended or expelled would undoubtedly improve the outcomes for these children; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Legislative Education Oversight Committee shall study the number of alternative schools that currently exist in North Carolina, how effective those schools are in helping at-risk students reach academic success, and any other issues that the Committee considers relevant to this topic. The Committee shall report the results of this study to the 2010 Regular Session of the 2009 General Assembly.

**SECTION 2.** This act is effective when it becomes law.



\* H 9 7 1 - V - 2 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1024**

A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1024  
PROPOSED COMMITTEE SUBSTITUTE H1024-PCS10974-RQ-30

Short Title: Lottery Advertising Compliance Act.

(Public)

Sponsors:

Referred to:

April 2, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP  
3 RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 18C-114(a)(2) reads as rewritten:

6 "(2) To prescribe the nature of lottery advertising which shall comply with the  
7 following:

- 8 a. All advertising shall include resources for responsible gaming  
9 information.  
10 b. No advertising may intentionally target specific groups or economic  
11 classes.  
12 c. No advertising may be misleading, deceptive, or present any lottery  
13 game as a means of relieving any person's financial or personal  
14 difficulties.  
15 d. No advertising may have the primary purpose of inducing persons to  
16 participate in the Lottery.  
17 e. No advertising or sponsorship may take place in connection with any  
18 high school sport or high school sporting event, or be placed in any  
19 high school sporting venue."

20 SECTION 2. This act is effective when it becomes law. No new contracts may be  
21 entered into that violate this act, and any existing contracts may not be renewed or extended in  
22 any manner.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1024**

**Short Title:** Lottery Advertising Compliance Act. (Public)

**Sponsors:** Representatives Folwell, Harrison, Hurley, Burr (Primary Sponsors); Avila, Blackwell, Brown, Burris-Floyd, Cleveland, Gillespie, Guice, Gulley, Hilton, Jones, Killian, Langdon, Martin, McCormick, McElraft, Mills, Randleman, Sager, Setzer, Stevens, West, and Wiley.

**Referred to:** Education, if favorable, Judiciary II, if favorable, Finance.

April 2, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP  
RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 18C-130(e) reads as rewritten:

"(e) Lottery advertising shall be tastefully designed and presented in a manner to minimize the appeal of lottery games to minors. No advertising or sponsorship may take place in connection with any high school sport or high school sporting event, or be placed in any high school sporting venue. The use of cartoon characters or of false, misleading, or deceptive information in lottery advertising is prohibited. All advertising promoting the sale of lottery tickets or shares for a particular game shall include the actual or estimated overall odds of winning the game."

**SECTION 2.** This act is effective when it becomes law. No new contracts may be entered into that violate this act, and any existing contracts may not be renewed or extended in any manner.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1176**

A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REORGANIZE ALL HIGH SCHOOLS THAT HAVE A HIGH DROPOUT RATE.

☒ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is (ordered engrossed and) re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ On motion of Representative \_\_\_\_\_, Committee Amendment No.(s) \_\_\_\_\_ is/are adopted by EV (\_\_\_\_\_).

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1176\***

**Short Title:** Reorganize Schools with High Dropout Rate. (Public)

**Sponsors:** Representatives Coates, Steen, Crawford, Langdon (Primary Sponsors);  
Cleveland, Faison, E. Floyd, Howard, Lucas, Wray, and Yongue.

**Referred to:** Education, if favorable, Appropriations.

April 8, 2009

**A BILL TO BE ENTITLED  
AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REORGANIZE  
ALL HIGH SCHOOLS THAT HAVE A HIGH DROPOUT RATE.**

Whereas, the graduation rate for all high schools for the 2007-2008 school year was 70.3%; and

Whereas, by comparison, there was a graduation rate of more than 86.5% for students who took a four-credit concentration in Career and Technical Education; and

Whereas, over the past decade, student surveys revealed that students who enrolled in Career and Technical Education said their opportunity to take courses in Career and Technical Education was a main reason they stayed in school; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-47 is amended by adding a new subdivision to read:

"(38a) To reorganize high schools with a high dropout rate. – Local boards of education shall reorganize all high schools that have a graduation rate of less than sixty percent (60%) for two consecutive years. The new design shall include at least five of the 16 career clusters recognized by the United States Department of Education. Each career cluster shall include a four-unit career and technical concentration, with at least one course at an advanced level. Virtual school and work experience courses related to the career cluster may be used to meet the concentration requirement.

Each year, school counselors or other faculty members shall make information about the career clusters, educational requirements, and career outlook available to all eighth and ninth grade students.

The General Assembly strongly encourages these schools to establish career and technical student organizations related to the career clusters they offer."

**SECTION 2.** This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. 1176

DATE 5/12/09

S. B. No. \_\_\_\_\_

Amendment No. \_\_\_\_\_

COMMITTEE SUBSTITUTE \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) Starn  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 1, line 5

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "70.3%," and by substituting "less than  
4 71%,"

5 \_\_\_\_\_

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SIGNED Starn

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1260** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1260

Short Title: Voter Preregistration and Education.

(Public)

Sponsors: Representatives Bryant, Cotham, Burr, Burris-Floyd (Primary Sponsors); K. Alexander, M. Alexander, Blue, Brubaker, Cleveland, Farmer-Butterfield, Fisher, Glazier, Goodwin, Harrell, Harrison, Holliman, Jackson, Jeffus, Jones, Lucas, Luebke, Mackey, Martin, Mobley, Parmon, Sager, Stevens, Underhill, Weiss, Womble, and Yongue.

Referred to: Election Law and Campaign Finance Reform, if favorable, Education.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 163-82.1 is amended by adding a new subsection to read:

"(d) Preregistration. – A person who is at least 16 years of age but will not be 18 years of age by the date of the next election and who is otherwise qualified to register may preregister to vote and shall be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address in accordance with G.S. 163-82.7."

**SECTION 1.(b)** G.S. 163-82.3(a) reads as rewritten:

**"(a)** Form Developed by State Board of Elections. – The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:

- (1) Register to vote;
- (2) Change party affiliation or unaffiliated status;
- (3) Report a change of address within a county;
- (4) Report a change of ~~name-name~~;
- (5) Preregister to vote.

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163-82.3."

**SECTION 1.(c)** G.S. 163-82.4(d) reads as rewritten:

**"(d)** Citizenship and Age Questions. – Voter registration application forms shall include all of the following:

- (1) The following question and statement:

a. "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

b. "If you checked 'no' in response to this question, do not submit this form."



(2) ~~The question following questions and statement:~~

- a. "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether the applicant will be 18 years of age or older on election day.
- b. "Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote?" and boxes for the applicant to check to indicate whether the applicant is at least 16 years of age and understands that the applicant must be at least 18 years of age or older by election day to vote.
- c. "If you checked 'no' in response to both of these questions, do not submit this form."

(3) ~~The statement "If you checked 'no' in response to either of these questions, do not complete this form."~~

SECTION 1.(d) G.S. 163-82.6 is amended by adding a new subsection to read:

"(f) The county board of elections shall forward by electronic means any application submitted for the purpose of preregistration to the State Board of Elections. No later than 60 days prior to the first election in which the applicant will be legally entitled to vote, the State Board of Elections shall notify the appropriate county board of elections to verify the qualifications and address of the applicant in accordance with G.S. 163-82.7."

SECTION 1.(e) G.S. 163-82.19(a) reads as rewritten:

"(a) Voter Registration at Drivers License Offices. – The Division of Motor Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that any eligible person who applies for original issuance, renewal or correction of a drivers license, or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register to ~~vote~~ vote, or to update ~~his~~ the voter's registration if the voter has changed his or her address or moved from one precinct to another or from one county to ~~another~~ another, or to preregister to vote. The person taking the application shall ask if the applicant is a citizen of the United States. If the applicant states that the applicant is not a citizen of the United States, or declines to answer the question, the person taking the application shall inform the applicant that it is a felony for a person who is not a citizen of the United States to apply to register to vote. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9.

Registration shall become effective as provided in G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this section until the deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.

All applications shall be forwarded by the Department of Transportation to the appropriate board of elections not later than five business days after the date of acceptance, according to rules which shall be promulgated by the State Board of Elections. Those rules shall provide for a paperless, instant, electronic transfer of applications to the appropriate board of elections. Applications for preregistration to vote shall be forwarded to the State Board of Elections."

SECTION 1.(f) G.S. 163-82.23 reads as rewritten:

1 **"§ 163-82.23. Voter registration at public high schools.**

2 Every public high school shall make available to its students and others who are eligible to  
3 register and preregister to vote the application forms described in G.S. 163-82.3, and shall keep  
4 a sufficient supply of the forms so that they are always available. A local board of education  
5 may, but is not required to, designate high school employees to assist in completing the forms.  
6 Only employees who volunteer for this duty may be designated by boards of education."

7 **SECTION 1.(g) G.S. 163-82.25 reads as rewritten:**

8 **"§ 163-82.25. Mandated voter registration drive.**

9 The Governor shall proclaim as Citizens Awareness Month the month designated by the  
10 State Board of Elections ~~during every even-numbered year annually.~~ During that month, the  
11 State Board of Elections shall initiate a statewide voter registration drive and shall adopt rules  
12 under which county boards of elections shall conduct the drives. Each county board of elections  
13 shall participate in the statewide voter registration drives ~~in accordance with the rules adopted~~  
14 ~~by the State Board and~~ conduct voter registration and preregistration drives at public high  
15 schools in accordance with local board of education policies, school system administrative  
16 procedures, and guidelines of the State Board of Elections."

17 **SECTION 2. G.S. 115C-81(g1)(1)b. reads as rewritten:**

18 "b. Instruction on the importance of voting and otherwise participating in  
19 the democratic ~~process;~~ process, including instruction on voter  
20 registration and preregistration."

21 **SECTION 3. G.S. 115C-47 is amended by adding a new subdivision to read:**

22 **"(53) To Encourage Student Voter Registration and Preregistration. – Local boards**  
23 **of education are encouraged to adopt policies to promote student voter**  
24 **registration and preregistration. These policies may include collaboration**  
25 **with county boards of elections to conduct voter registration and**  
26 **preregistration in high schools. Completion and submission of voter**  
27 **registration or preregistration forms shall not be a course requirement or**  
28 **graded assignment for students."**

29 **SECTION 4. This act becomes effective January 1, 2010. Section 2 applies**  
30 **beginning with the 2010-2011 school year.**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1292**

A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW  
REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED  
SCHOOL EMPLOYEES.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
JUDICIARY I.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

**H**

**D**

**HOUSE BILL 1292**  
**PROPOSED COMMITTEE SUBSTITUTE H1292-PCS70439-RQ-31**

Short Title:    Employment of Noncertified School Personnel.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR  
SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from any final administrative decision in the following matters:

- (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), (d3), or (d4);
- (2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;
- (3) The terms or conditions of employment or employment status of a school employee; and
- (4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all appeals to the board it is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of



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1 the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected  
2 by other error of law, is unsupported by substantial evidence in view of the entire record as  
3 submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal  
4 decisions of a local board under subdivision (3) of this subsection shall only apply to decisions  
5 concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A  
6 noncertified employee may request and shall be entitled to receive written notice as to the  
7 reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be  
8 provided to the employee prior to any local board of education hearing ~~on the issue~~. authorized  
9 by this subsection. A noncertified employee shall have the right to representation by counsel at  
10 the employee's expense at a local board of education hearing authorized by this subsection,  
11 provided that the employee provide prior notice in accordance with the local board of  
12 education's policy. This subsection shall not alter the employment status of a noncertified  
13 employee."

14       **SECTION 2.** This act becomes effective October 1, 2009, and applies to  
15 administrative decisions on or after that date.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1292**

Short Title:	Employment of Noncertified School Personnel.	(Public)
Sponsors:	Representatives Harrison, Jeffus, Womble, Lucas (Primary Sponsors); Adams, Bryant, Cotham, Faison, Fisher, Glazier, Jones, Luebke, Mackey, Parmon, and Wray.	
Referred to:	Education, if favorable, Judiciary I.	

April 9, 2009

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR  
SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-45(c) reads as rewritten:

"(c) Appeals to Board of Education and to Superior Court. – An appeal shall lie to the local board of education from any final administrative decision in the following matters:

- (1) The discipline of a student under G.S. 115C-391(c), (d), (d1), (d2), (d3), or (d4);
- (2) An alleged violation of a specified federal law, State law, State Board of Education policy, State rule, or local board policy, including policies regarding grade retention of students;
- (3) The terms or conditions of employment or employment status of a school employee; and
- (4) Any other decision that by statute specifically provides for a right of appeal to the local board of education and for which there is no other statutory appeal procedure.

As used in this subsection, the term "final administrative decision" means a decision of a school employee from which no further appeal to a school administrator is available.

Any person aggrieved by a decision not covered under subdivisions (1) through (4) of this subsection shall have the right to appeal to the superintendent and thereafter shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding any final decision of school personnel within the local school administrative unit. The local board of education shall notify the person making the petition of its decision whether to grant a hearing.

In all appeals to the board it is the duty of the board of education to see that a proper notice is given to all parties concerned and that a record of the hearing is properly entered in the records of the board conducting the hearing.

The board of education may designate hearing panels composed of not less than two members of the board to hear and act upon such appeals in the name and on behalf of the board of education.

An appeal of right brought before a local board of education under subdivision (1), (2), (3), or (4) of this subsection may be further appealed to the superior court of the State on the grounds that the local board's decision is in violation of constitutional provisions, is in excess of the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected



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1 by other error of law, is unsupported by substantial evidence in view of the entire record as  
2 submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal  
3 decisions of a local board under subdivision (3) of this subsection shall only apply to decisions  
4 concerning the dismissal, demotion, or suspension without pay of the noncertified employee. ~~A~~  
5 ~~noncertified employee may request and shall be entitled to receive written notice as to the~~  
6 ~~reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be~~  
7 ~~provided to the employee prior to any local board of education hearing on the issue. No~~  
8 ~~noncertified employee shall be dismissed, demoted, or suspended for disciplinary reasons,~~  
9 ~~except for just cause. In cases of such disciplinary action, the employee shall, before the action~~  
10 ~~is taken by the board, be furnished with a statement in writing setting forth in numerical order~~  
11 ~~the specific acts or omissions that are the reasons for the disciplinary action and the employee's~~  
12 ~~appeal rights. A noncertified employee shall have the right to representation by counsel at a~~  
13 ~~local board of education hearing on the issue.~~ This subsection shall not alter the employment  
14 status of a noncertified employee."

15 **SECTION 2.** This act becomes effective October 1, 2009, and applies to  
16 administrative decisions on or after that date.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1327**                      A BILL TO BE ENTITLED AN ACT DIRECTING LAW  
ENFORCEMENT AGENCIES TO NOTIFY THE SCHOOL IF A STUDENT IS VALIDATED  
AS A GANG MEMBER AND AUTHORIZING LOCAL BOARDS OF EDUCATION TO  
PLACE REASONABLE CONDITIONS ON THE ENROLLMENT OF GANG MEMBERS.

☒ With a favorable report as to the committee substitute bill, which changes the title,  
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-  
referred to the Committee on JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1327  
PROPOSED COMMITTEE SUBSTITUTE H1327-PCS80438-TC-40

Short Title: Schools Notified of Crim. Intell. Info.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO DISSEMINATE AN  
ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A SCHOOL  
PRINCIPAL PURSUANT TO FEDERAL LAW.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 13A of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-50.27A. Dissemination of criminal intelligence information.**

(a) A law enforcement agency may disseminate an assessment of criminal intelligence  
information to the principal of a school pursuant to 28 C.F.R. § 23.20. The notification may be  
made in person or by telephone. As used in this subsection, the term "school" means any public  
or private school in the State that is authorized under Chapter 115C of the General Statutes.

(b) Notwithstanding G.S. 14-50.28, this section applies to both juveniles and adults."

**SECTION 2.** This act becomes effective December 1, 2009.



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1327

Short Title: Schools Notified of Gang Membership. (Public)

Sponsors: Representatives Folwell, Justice, Langdon, Cleveland (Primary Sponsors);  
Brown, Current, Frye, Hurley, Neumann, and Starnes.

Referred to: Education, if favorable, Judiciary II.

April 9, 2009

- 1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING LAW ENFORCEMENT AGENCIES TO NOTIFY THE SCHOOL IF  
3 A STUDENT IS VALIDATED AS A GANG MEMBER AND AUTHORIZING LOCAL  
4 BOARDS OF EDUCATION TO PLACE REASONABLE CONDITIONS ON THE  
5 ENROLLMENT OF GANG MEMBERS.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Article 13A of Chapter 14 of the General Statutes is amended by  
8 adding a new section to read:  
9 "§ 14-50.27A. Notification of school of a student's validation as a gang member.  
10 (a) A law enforcement agency that validates a person as a gang member shall notify the  
11 principal of any school the person attends of the validation as soon as practicable but at least  
12 within five days. The notification may be made in person or by telephone. As used in this  
13 subsection, the term "school" means any public or private school in the State that is authorized  
14 under Chapter 115C of the General Statutes.  
15 (b) Notwithstanding G.S. 14-50.28, this section applies to both juveniles and adults."  
16 SECTION 2: G.S. 115C-391 is amended by adding a new subsection to read:  
17 "(a1) The policies of conduct adopted by a local board of education pursuant to  
18 subsection (a) of this section may place reasonable conditions on the enrollment of any student  
19 validated as a gang member up to and including expulsion from school."  
20 SECTION 3. This act becomes effective December 1, 2009.



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**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1446**

A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW  
RELATING TO SCHOOL IMPROVEMENT PLANS.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

D

HOUSE BILL 1446  
PROPOSED COMMITTEE SUBSTITUTE H1446-PCS70437-SF-32

Short Title: Amend Law Re: School Improvement Plans.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47(38) reads as rewritten:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(38) To Establish School Improvement Teams. – Local boards shall adopt a policy to ensure that each principal has established a school improvement team under G.S. 115C-105.27 and in accordance with ~~G.S. 115C-288(4)~~ G.S. 115C-288(1) and that the composition of the team complies with G.S. 115C-105.27(a). Local boards shall direct the superintendent or the superintendent's designee to provide appropriate guidance to principals to ensure that these teams are established and that the principals work together with these teams to develop, review, and amend school improvement plans for their schools."

SECTION 2. G.S. 115C-105.27 reads as rewritten:

"§ 115C-105.27. Development and approval of school improvement plans.

(a) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under ~~G.S. 115C-105.35~~ G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff.



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1 Parental involvement is a critical component of school success and positive student  
2 achievement; therefore, it is the intent of the General Assembly that parents, along with  
3 teachers, have a substantial role in developing school improvement plans. To this end, school  
4 improvement team meetings shall be held at a convenient time to assure substantial parent  
5 participation.

6 All school improvement plans shall be, to the greatest extent possible, data-driven. School  
7 improvement teams shall analyze student data to identify root causes for problems and to  
8 determine actions to address them. School improvement plans shall contain clear, unambiguous  
9 targets, explicit indicators and actual measures, and expeditious time frames for meeting the  
10 measurement standards.

11 ...

12 (e) A school improvement plan shall remain in effect for no more than ~~three~~ two years;  
13 however, the school improvement team may amend the plan as often as is necessary or  
14 appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the  
15 local board finds that a school improvement plan is impeding student performance at a school,  
16 the local board may vacate the relevant portion of the plan and may direct the school to revise  
17 that portion. The procedures set out in this subsection shall apply to amendments and revisions  
18 to school improvement plans."

19 **SECTION 3.** G.S. 115C-105.37A(a) reads as rewritten:

20 "(a) Definition of Continually Low-Performing Schools. – A continually low-performing  
21 school is a school that has received State-mandated assistance and has been designated by the  
22 State Board as low performing for at least two of three consecutive years. If the State Board  
23 identifies a school as continually ~~low performing, the low performing:~~

24 (1) The school improvement team at that school shall review its school  
25 improvement plan to ensure consistency with the plan adopted pursuant to  
26 G.S. ~~115C-105.38(3)~~ G.S. 115C-105.38(3), and

27 (2) The plan must be reviewed and approved by the State Board of Education."

28 **SECTION 4.** This act is effective when it becomes law and applies beginning with  
29 the 2009-2010 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1446

Short Title:	Amend Law Re: School Improvement Plans.	(Public)
Sponsors:	Representatives Glazier, Parmon, Cotham (Primary Sponsors); Harrison, Lucas, and Rapp.	
Referred to:	Education.	

April 13, 2009

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS.  
The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-47(38) reads as rewritten:

**"§ 115C-47. Powers and duties generally.**

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...  
(38) To Establish School Improvement Teams. – Local boards shall adopt a policy to ensure that each principal has established a school improvement team under G.S. 115C-105.27 and in accordance with G.S. 115C-288(l). G.S. 115C-288(l) and that the composition of the team complies with G.S. 115C-105.27(a). Local boards shall direct the superintendent or the superintendent's designee to provide appropriate guidance to principals to ensure that these teams are established and that the principals work together with these teams to develop, review, and amend school improvement plans for their schools."

**SECTION 2.** G.S. 115C-105.27 reads as rewritten:

**"§ 115C-105.27. Development and approval of school improvement plans.**

(a) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35, G.S. 115C-1-5.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with



1 teachers, have a substantial role in developing school improvement plans. To this end, school  
2 improvement team meetings shall be held at a convenient time to assure substantial parent  
3 participation.

4 All school improvement plans shall be, to the greatest extent possible, data-driven. School  
5 improvement teams shall analyze student data to identify root causes for problems and to  
6 determine actions to address them. School improvement plans shall contain clear, unambiguous  
7 targets, explicit indicators and actual measures, and speedy time frames for meeting the  
8 measurement standards.

9 ...

10 (e) A school improvement plan shall remain in effect for no more than ~~three~~ two years;  
11 however, the school improvement team may amend the plan as often as is necessary or  
12 appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the  
13 local board finds that a school improvement plan is impeding student performance at a school,  
14 the local board may vacate the relevant portion of the plan and may direct the school to revise  
15 that portion. The procedures set out in this subsection shall apply to amendments and revisions  
16 to school improvement plans."

17 **SECTION 3.** G.S. 115C-105.37A(a) reads as rewritten:

18 "(a) Definition of Continually Low-Performing Schools. – A continually low-performing  
19 school is a school that has received State-mandated assistance and has been designated by the  
20 State Board as low performing for at least two of three consecutive years. If the State Board  
21 identifies a school as continually ~~low performing, the low performing:~~

22 (1) The school improvement team at that school shall review its school  
23 improvement plan to ensure consistency with the plan adopted pursuant to  
24 G.S. ~~115C-105.38(3)~~ G.S. 115C-105.38(3), and

25 (2) The plan must be reviewed and approved by the State Board of Education."

26 **SECTION 4.** This act is effective when it becomes law and applies beginning with  
27 the 2009-2010 school year.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1474**

A BILL TO BE ENTITLED AN ACT MANDATING A WEEK OF  
"CREDIT EDUCATION" FOR ALL HIGH SCHOOL SENIORS.

☒ With a favorable report as to the committee substitute bill, which changes the title,  
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-  
referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1474  
PROPOSED COMMITTEE SUBSTITUTE H1474-PCS30384-LE-35

Short Title: Credit Education Req'd/High School Students.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT MANDATING A WEEK OF "CRÉDIT EDUCATION" FOR ALL HIGH SCHOOL  
3 STUDENTS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-81(i) reads as rewritten:

6 "(i) Both the standard course of study and the Basic Education Program shall include the  
7 requirement that the public schools provide instruction in personal financial literacy for all  
8 students during the high school years. Each student shall receive a week of instruction in an  
9 appropriate course, as defined by the State Board of Education, on the use of credit. The course  
10 shall include (i) the true cost of credit, (ii) choosing and managing a credit card, (iii) borrowing  
11 money for an automobile or other large purchase, (iv) home mortgages, (v) credit scoring and  
12 credit reports, and (vi) other relevant financial literacy issues.

13 The State Board of Education shall determine the other components of personal financial  
14 literacy that will be covered in the curriculum. The State Board shall also review the high  
15 school standard course of study to determine in which course the new personal financial  
16 literacy curriculum can be integrated."

17 SECTION 2. This act is effective when it becomes law and applies beginning with  
18 the 2010-2011 school year.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1474**

Short Title: Credit Education Req'd/High School Seniors. (Public)

Sponsors: Representatives Williams, Glazier, Cotham, Farmer-Butterfield (Primary Sponsors); Allen, Blue, Coates, Dickson, England, Goforth, Insko, Jackson, Jones, Love, Lucas, Mackey, McLawhorn, Parmon, Rapp, Ross, Spear, Stam, Tarleton, Tillis, E. Warren, and Wray.

Referred to: Education, if favorable, Appropriations.

April 13, 2009

A BILL TO BE ENTITLED  
AN ACT MANDATING A WEEK OF "CREDIT EDUCATION" FOR ALL HIGH SCHOOL SENIORS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-81(i) reads as rewritten:

"(i) Both the standard course of study and the Basic Education Program shall include the requirement that the public schools provide instruction in personal financial literacy for all students during the high school years. During the senior year, each student shall receive a block of 10 hours of instruction in an appropriate course, as defined by the State Board of Education, on the use of credit. The course shall include (i) the true cost of credit, (ii) choosing and managing a credit card, (iii) borrowing money for an automobile or other large purchase, (iv) home mortgages, (v) credit scoring and credit reports, and (vi) other relevant financial literacy issues.

The State Board of Education shall determine the other components of personal financial literacy that will be covered in the curriculum. The State Board shall also review the high school standard course of study to determine in which course the new personal financial literacy curriculum can be integrated."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2010-2011 school year.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1492**

A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT TUITION MAY BE CHARGED TO STUDENTS WHO ATTEND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, TO REPEAL THE LAW THAT AUTHORIZES IN-STATE TUITION STATUS FOR OUT-OF-STATE STUDENTS WHO ARE AWARDED FULL SCHOLARSHIPS, AND TO INCREASE THE TUITION SURCHARGE.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1492  
PROPOSED COMMITTEE SUBSTITUTE H1492-PCS70438-RQ-32**

Short Title: UNC Tuition Amendments.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED  
AN ACT TO REPEAL THE LAW THAT AUTHORIZES IN-STATE TUITION STATUS  
FOR OUT-OF-STATE STUDENTS WHO ARE AWARDED FULL SCHOLARSHIPS,  
AND TO INCREASE THE TUITION SURCHARGE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-143.6 is repealed.

**SECTION 2.** Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a ~~twenty-five percent (25%) one hundred percent (100%)~~ tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program. The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."

**SECTION 3.** This act becomes effective July 1, 2009. Section 1 of this act applies to students awarded scholarships on or after the effective date of this act. A student with a full scholarship who has in-State tuition status pursuant to G.S. 116-143.6 on the effective date of this act shall continue to be eligible for in-State tuition for the period that the student receives the scholarship. Section 2 of this act applies to all students who will be sophomores or freshmen in the 2009-2010 fall academic semester and to all students who enroll on or after the effective date of this act.



\* H 1 4 9 2 - P C S 7 0 4 3 8 - R Q - 3 2 \*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 1492

Short Title: UNC Tuition Amendments.

(Public)

Sponsors: Representatives Current and Cleveland (Primary Sponsors).

Referred to: Education, if favorable, Appropriations.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT TUITION MAY BE CHARGED TO STUDENTS WHO ATTEND THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, TO REPEAL THE LAW THAT AUTHORIZES IN-STATE TUITION STATUS FOR OUT-OF-STATE STUDENTS WHO ARE AWARDED FULL SCHOLARSHIPS, AND TO INCREASE THE TUITION SURCHARGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143(b) reads as rewritten:

"(b) In the event that said students are unable to pay the cost of tuition and required academic fees as the same may become due, in cash, the said several boards of trustees are hereby authorized and empowered, in their discretion, to accept the obligation of the student or students together with such collateral or security as they may deem necessary and proper, it being the purpose of this Article that all students in State institutions of higher learning shall be required to pay tuition, and that free tuition is hereby abolished. ~~Notwithstanding this section, neither the Board of Governors of The University of North Carolina nor its Board of Trustees shall impose any tuition or mandatory fee at the North Carolina School of Science and Mathematics without the approval of the General Assembly.~~"

SECTION 2. G.S. 116-143.6 is repealed.

SECTION 3. Subsection (b) of Section 89 of Chapter 321 of the 1993 Session Laws, as amended by Section 17.10 of Chapter 769 of the 1993 Session Laws, reads as rewritten:

"(b) The Board of Governors of The University of North Carolina shall ensure that procedures are established that are necessary to impose a ~~twenty-five percent (25%) one hundred percent (100%)~~ tuition surcharge on students who take more than 140 degree credit hours to complete a baccalaureate degree in a four-year program or more than one hundred ten percent (110%) of the credit hours necessary to complete a baccalaureate degree in any program officially designated by the Board of Governors as a five-year program. The calculation of these credit hours taken at a constituent institution or accepted for transfer shall exclude hours earned through the College Board's Advanced Placement or CLEP examinations, through institutional advanced placement or course validation, or through summer term or extension programs. No surcharge shall be imposed on any student who exceeds the degree credit hour limits within the equivalent of four academic years of regular term enrollment, or within five academic years of regular term enrollment in a degree program officially designated by the Board of Governors as a five-year program. The Board shall report to the Joint Legislative Education Oversight Committee by April 1, 1994, on its recommendations for implementing this surcharge."



1           **SECTION 4.** This act becomes effective July 1, 2009. Section 2 of this act applies  
2 to students awarded scholarships on or after the effective date of this act. A student with a full  
3 scholarship who has in-State tuition status pursuant to G.S. 116-143.6 on the effective date of  
4 this act shall continue to be eligible for in-State tuition for the period that the student receives  
5 the scholarship. Section 3 of this act applies to all students who will be sophomores or  
6 freshmen in the 2009-2010 fall academic semester and to all students who enroll on or after the  
7 effective date of this act.

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
May 26, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, May 26, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Bordsen, Bryant, Cleveland, Dickson, Dockham, Dollar, England, Burris-Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Insko, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tillis, Tolson, Whilden, Wiley, Wilkins and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Uteley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** called the meeting to order and all introductions were completed.

The agenda was presented and the following bills were before the committee: **Representative Cotham** moved to adopt the PCS. The motion passed.

**HJR 364 - A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.**

**Representative Lucas** explained that the bill provided the names of the three members appointed by the governor to the State Board of Education.

**Representative Cotham** motioned for a favorable report to the committee substitute, which changes the title, unfavorable to the original resolution and recommendation that the bill be re-referred to the Committee on Rules, calendar and Operations of the House. The motion passed.

**SB 689 - A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION.**

**Senator Stevens** explained the bill; Representative Blackwell queries the bill on reporting dates. Representative Womble moved for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The bill passed.



**SB 708 – A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.**

**Senator Hartsell** explained the bill and entertained any questions. Representative Fisher motioned for a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations. The bill passed.

**SB 526 - A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.**

**Senator Boseman** explained the bill; Representative Glazier followed with remarks stating that "the test of courage comes when we are in the minority; the test of tolerance comes when we are in the majority." He concurs with Senator Boseman of the testament of the three children who committed suicide and the need for SB 526 – School Violence Prevention Act. He spoke of the extreme bullying that takes place on a common every day basis. Enumeration is really the issue, why? To protect as many students as possible from bullying and harassment because the strength of an enumerated lower policy is that it underscores not only a that all students are protected but also the students that research shows are the most likely to be bullied and harassed are the least likely to be protected by generic safe schools laws and policies. 64 % of students hear homophobic statements on a daily basis. The bill does not create a protective class because the language of the bill prohibits it. The best way to protect children is the purpose of the bill.

Many in the committee spoke on behalf of the bill: Representatives Adams, Fisher and Bordsen.

**Representative Stam** debated the bill by stating that HB 776, which a majority of the House has cosigned, which protects all children from being bullied for any reason, any time in the public schools. He states that SB 526 is not about bullying. He objects to the title, page 2 lines 30-34...the words motivated, sexual orientation and perceived.

**Senator Boseman** responds by stating that the difference between the bill last week and now is it is based on research and the enumerations makes it a more effective bill.

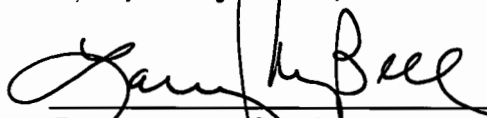
**Representative Avila** states that the common theme of her constituents (parents) is that those in authority did nothing! Why do we have to pass a law to make professionals do their job? Bullying is not a new behavior.

**Representative McElraft** queries the sponsors about gender expression/identity. Representative Dickson and Ross stated their support. Representative Blackwell queries the bill about the training program to work with the students.

**Chairman Bell** adjourned the meeting at 11:50 a. m. to return on Thursday, May 28, 2009, to continue the debate of SB 526.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, May 26, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 364	SBOE Confirmations.	Representative Lucas Representative Bell
SB 689	Modify DPI/SBE Reporting Requirements.	Senator Stevens
SB 708	Amend the Compulsory School Attendance Law.	Senator Hartsell
SB 526	School Violence Prevention Act.	Senator Boseman

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:30 A.M. **May 21, 2009.**

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

## VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-26-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Brittany Farrell	NCFPC
Joe Royal	NCFPC
James Cannon	Rep Jeffers
Erin Stubbs	Carolinas Healthcare System
Chuck Hawkins	NCFPC
TINA Gordon	NC Nurses Assoc.
Betsy McLorkle	CENC
Pam Crawford	CCNC
Ryland Pond	OSA
Amy Goodman	OSA
Dennis Batterson	OSA

- J

**05-26-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**FIRM OR AGENCY AND ADDRESS**

Hannah Hall	OSA
TOM CORRS	TNC
KEVIN DAVIS	TNC
Johnny Morris	Public School Teacher
<del>John M</del>	JD, AL, PA
TOM BEAN	NL EDF

# VISITOR REGISTRATION SHEET

Education

Name of Committee

5/26/89

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<del>CANDRA WHITE</del>	NCAOC
Sarah Preston	ACLU-NC
ALISON DAVIS	PARENT
Paula A. Wolf	NC-NOW
<del>Cheryl Smith</del>	<del>HLTCR</del>
Harrison Gilbert	Governor's Office
Mark McLean	Carolina HealthCare
Jinda Danta	NCAE
Tom V. Haglund	CFTF
Rob Thompson	Government
Ian Palmquist	ENC

# VISITOR REGISTRATION SHEET

Education

Name of Committee

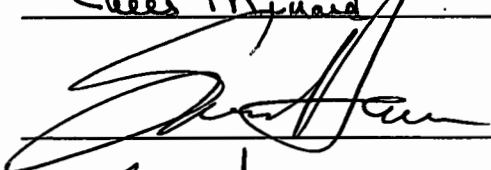
May 26, 2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chaz Bolefoot	Intern, Rep. Paul Starn
Keith Weatherly	Rep. Starn
Bill Brooks	NCFPC
Donald Barringer	Office of the Governor
Jim Stegall	UCPS
Alvin Miller	PSUNC
Emily Doyle	NCPAPA
Katherine Jura	NCAJA
Chris Mjuna	State Bd of Ed
	WCPS
Jul Mjuna	CMS
Gene Cauby	NCSCA
Lloyd Thorne	NCPA

# VISITOR REGISTRATION SHEET

Edwards

Name of Committee

May 26, 2009

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Conor Brockett

NCSBA

Peggy Myers

S

Brian Mancos

CHSNC

Cynthia Holliday

"

Roe Sawitt

NC Child Care Coalition

Jeff Miller

Civitas

Emily Wilbourne

The Policy Group



# VISITOR REGISTRATION SHEET

Education

5/26/09

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>TIGER</u>	<u>NCCA - Rep. Doug Taylor Office</u>
<u>Leanne Wmire</u>	<u>NCSBA</u>
<u>GREG FVNN</u>	<u>SELF</u>
<u>Keeley Ward</u>	<u>Literacy Coach (Iredell Co.)</u>
<u>Julia Leggett</u>	<u>The Arc of NC</u>
<u>Annaliese Dolph</u>	<u>DRNC</u>
<u>Jennifer Mahan</u>	<u>MHANC</u>
<u>Jamie Fitzgerald</u>	<u>NCAAL</u>
<u>Rev. Mark Creech</u>	<u>CAL</u>
<u>Patricia C. Rauler</u>	<u>NCAAL</u>
<u>Ed Regan</u>	<u>NCRGEA</u>

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**May 26, 2009  
11:00 A.M.  
Room 643 LOB**

**Representative Bell**  
*Presiding Chair*

### **CALL TO ORDER**

### **OPENING REMARKS**

<b>HB 364</b>	<b>SBOE Confirmations.</b>	<b>Representative Lucas Representative Bell</b>
<b>SB 689</b>	<b>Modify DPI/SBE Reporting Requirements.</b>	<b>Senator Stevens</b>
<b>SB 708</b>	<b>Amend the Compulsory School Attendance Law.</b>	<b>Senator Hartsell</b>
<b>SB 526</b>	<b>School Violence Prevention Act.</b>	<b>Senator Boseman</b>

### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HJR 364**

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

☒ With a favorable report as to the committee substitute resolution, which changes the title, unfavorable as to the original resolution and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR and OPERATIONS of the House.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE JOINT RESOLUTION 364**

---

**Sponsors:** Representatives Lucas, Bell (Primary Sponsors); and E. Floyd.

---

**Referred to:** Education.

---

March 3, 2009

**A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THREE  
APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE  
BOARD OF EDUCATION.**

Whereas, under the provisions of the Constitution of North Carolina and  
G.S. 115C-10, appointments by the Governor to membership on the State Board of Education  
are subject to confirmation by the General Assembly in joint session; and

Whereas, the Governor has transmitted to the presiding officers of the Senate and  
the House of Representatives the names of her appointees to fill the terms of membership on  
the State Board of Education which expire March 31, 2017; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

**SECTION 1.** The appointments of three persons to membership on the State Board  
of Education for terms to expire March 31, 2017, are confirmed.

**SECTION 2:** This resolution is effective upon ratification.



\* H 3 6 4 - V - 1 \*



## HOUSE JOINT RESOLUTION 364: SBOE Confirmations

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Lucas, Bell  
**Analysis of:** PCS to First Edition  
H364-CSTC-44

**Date:** May 26, 2009  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *HJR 364 will provide for the confirmation of the three members appointed by the Governor to the State Board of Education. The PCS inserts the names of the three nominees received from the Governor:*

- *Reginald Kenan - (2<sup>nd</sup> Educational District)*
- *Wayne McDevitt - (8<sup>th</sup> Educational District)*
- *Patricia Willoughby (Member at Large)*

**CURRENT LAW:** Article IX, Section 4 of the North Carolina Constitution establishes the State Board of Education, and requires the Governor to appoint 11 members of the State Board in overlapping terms, subject to confirmation by the General Assembly in joint session. The Governor must appoint one member to the Board from each of the eight education districts and three members are appointed at large.

G.S. 115C-10 requires the Governor to transmit to the presiding officers of the Senate and House, on or before the 60<sup>th</sup> legislative day, the names of the persons appointed and submitted to the General Assembly for confirmation. Pursuant to joint resolution, the Senate and House of Representatives must meet in joint session for consideration of an action upon such appointments.

**BILL ANALYSIS:** HJR 364 will be acted on by the Senate and House of Representatives in joint session to provide for the confirmation of three members to the State Board of Education. The following nominations have been received from the Governor:

- Reginald Kenan - (2<sup>nd</sup> Educational District)
- Wayne McDevitt - (8<sup>th</sup> Educational District)
- Patricia Willoughby (Member at Large)

Those nominees, if confirmed by the General Assembly, would serve terms of eight years which would expire on March 31, 2017.

**EFFECTIVE DATE:** HJR 364 will become effective upon ratification.

H364-SMTC-93(CSTC-44) v2

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**D**

**HOUSE JOINT RESOLUTION 364  
PROPOSED COMMITTEE SUBSTITUTE H364-CSTC-44 [v.1]**

5/21/2009 11:58:56 AM

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Sponsors:

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Referred to:

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March 3, 2009

1 A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY  
2 THE GOVERNOR OF REGINALD KENAN, WAYNE MCDEVITT, AND PATRICIA  
3 WILLOUGHBY TO THE STATE BOARD OF EDUCATION.

4 Whereas, under the provisions of the Constitution of North Carolina and  
5 G.S. 115C-10, appointments by the Governor to membership on the State Board of Education  
6 are subject to confirmation by the General Assembly in joint session; and

7 Whereas, the Governor has transmitted to the presiding officers of the Senate and  
8 the House of Representatives the names of her appointees to fill the terms of membership on  
9 the State Board of Education which expire March 31, 2017; Now, therefore,

10  
11 Be it resolved by the House of Representatives, the Senate concurring:

12  
13 **SECTION 1.** The appointments of Reginald Kenan, Wayne McDevitt, and Patricia  
14 Willoughby to membership on the State Board of Education for terms to expire March 31,  
15 2017, are confirmed.

16 **SECTION 2.** This resolution is effective upon ratification.



\* H 3 6 4 - C S T C - 4 4 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 689**      A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING  
REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE  
BOARD OF EDUCATION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.



## SENATE BILL 689: Modify DPI/SBE Reporting Requirements

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 24, 2009
<b>Introduced by:</b>	Sen. Stevens	<b>Prepared by:</b>	Sara Kamprath*
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *Senate Bill 689 would repeal or modify several reporting requirements for the Department of Public Instruction (DPI) and the State Board of Education (State Board).*

### BILL ANALYSIS:

Senate Bill 689 would repeal the following provisions:

- Section 7.17 of S.L. 2007-323. This provision in the 2007 Budget Bill (S.L. 2007-323) regarding the use of mentor teacher funds is no longer needed because new legislation enacted in 2008 changes the plan requirements for mentors.
- Section 7.22 of S.L. 2004-124. This provision in the 2004 Budget Bill (S.L. 2004-124) regarding a high school workforce development pilot program is no longer needed. These pilot schools became a part of the Learn & Earn High Schools.
- Section 7.10 of S.L. 2003-284. This provision in the 2003 Budget Bill (S.L. 2003-284) regarding High Priority Schools is not needed because there are no longer any schools that meet the criteria for high priority schools.

Senate Bill 689 would modify the following provisions:

- Section 7.8 of S.L. 2008-107. This provision in the 2008 Budget Bill (S.L. 2008-107) regarding mentor teacher funds would be amended by adding a reporting requirement. The State Board of Education (State Board) would be required to report annually to the Joint Legislative Education Oversight Committee prior to January 15 on the use of funds for mentoring services. The report would include, at a minimum, the impact of each LEA's mentoring program on teacher retention and how all mentors in the LEA are trained.
- G.S. 115C-238.55 would be amended to change a reporting date from October 15 to January 15 so that a series of required reports regarding Cooperative Innovative High School programs could be combined into one report. Also, language concerning a one-time 2007 report would be deleted.
- 115C-12(21). The State Board is required to monitor and compile an annual report on acts of violence in the public schools. The current provision does not specify when and to whom the report is due. Senate Bill 689 would require the State Board to submit that report to the Joint Legislative Education Oversight Committee by March 15 of each year.
- 115C-12(27). The State Board is required to report annually to the Joint Legislative Education Oversight Committee on dropout rates, suspensions, expulsions, and alternative placements. The current provision does not specify when the annual report is due. This bill would set March 15 as the date by which the annual report is due to Education Oversight.

**EFFECTIVE DATE:** The act would become effective when it becomes law.

*\*Shirley Iorio, Ph D, Legislative Analyst, contributed significantly to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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1

SENATE BILL 689

Short Title: Modify DPI/SBE Reporting Requirements.

(Public)

Sponsors: Senators Stevens; and Malone.

Referred to: Education/Higher Education.

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF  
PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 7.17 of S.L. 2007-323 is repealed.

**SECTION 1.(b)** Section 7.8 of S.L. 2008-107 reads as rewritten:

"**SECTION 7.8.** The State Board of Education shall allot funds for mentoring services to local school administrative units based on the highest number of employees in the preceding three school years who (i) are paid with State, federal, or local funds and (ii) are either teachers paid on the first or second steps of the teacher salary schedule or instructional support personnel paid on the first step of the instructional support personnel salary schedule.

Local school administrative units shall use these funds to provide mentoring support to eligible employees in accordance with a plan approved by the State Board of Education. The plan shall include information on how all mentors in the local school administrative unit will be adequately trained to provide mentoring support. The State Board of Education shall report to the Joint Legislative Education Oversight Committee prior to January 15 of each year on the use of funds for mentoring services. The report shall include, at a minimum, the impact of each unit's mentoring program on teacher retention and how all mentors in the unit are trained."

**SECTION 2.** Section 7.22 of S.L. 2004-124 is repealed.

**SECTION 3.** G.S. 115C-238.55 reads as rewritten:

**"§ 115C-238.55. Evaluation of programs.**

The State Board of Education and the governing Boards shall evaluate the success of students in programs approved under this Part. Success shall be measured by high school retention rates, high school completion rates, high school dropout rates, certification and associate degree completion, admission to four-year institutions, postgraduation employment in career or study-related fields, and employer satisfaction of employees who participated in and graduated from the programs. ~~Beginning October 15, 2005, and annually thereafter, the~~ The Boards shall jointly report by January 15 of each year to the Joint Legislative Education Oversight Committee on the evaluation of these programs. ~~If, by October 15, 2006, the Boards determine any or all of these programs have been successful, they shall jointly develop a prototype plan for similar programs that could be expanded across the State. This plan shall be included in their report to the Joint Legislative Education Oversight Committee that is due by October 15, 2007.~~"

**SECTION 4.** G.S. 115C-12 reads as rewritten:

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

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the



1 system of free public schools, subject to laws enacted by the General Assembly. The powers  
2 and duties of the State Board of Education are defined as follows:

3 ...  
4 (21) Duty to Monitor Acts of School Violence. – The State Board of Education  
5 shall monitor and compile an annual report on acts of violence in the public  
6 schools. The State Board shall adopt standard definitions for acts of school  
7 violence and shall require local boards of education to report them to the  
8 State Board in a standard format adopted by the State Board. The State  
9 Board shall submit its report on acts of violence in the public schools to the  
10 Joint Legislative Education Oversight Committee by March 15 of each year.

11 ...  
12 (27) Reporting Dropout Rates, Suspensions, Expulsions, and Alternative  
13 Placements. – The State Board shall report annually by March 15 of each  
14 year to the Joint Legislative Education Oversight Committee ~~and the~~  
15 ~~Commission on Improving the Academic Achievement of Minority and~~  
16 ~~At-Risk Students~~ on the numbers of students who have dropped out of  
17 school, been suspended, been expelled, or been placed in an alternative  
18 program. The data shall be reported in a disaggregated manner and be  
19 readily available to the public. The State Board shall not include students  
20 that have been expelled from school when calculating the dropout rate. The  
21 Board shall maintain a separate record of the number of students who are  
22 expelled from school.

23 ...."

24 **SECTION 5.** Section 7:10 of S.L. 2003-284 is repealed.

25 **SECTION 6.** This act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 708**      A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.



## SENATE BILL 708: Amend the Compulsory School Attendance Law

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 26, 2009
<b>Introduced by:</b>	Sen. Hartsell	<b>Prepared by:</b>	Drupti Chauhan*
<b>Analysis of:</b>	Second Edition		Committee Counsel

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**SUMMARY:** *SB 708 amends G.S. 115C-378 (the compulsory school attendance law) to: enumerate subsections within the statute; clarify and update the language of the statute; eliminate gender specific language; provide that a principal's designee may carry out some of the statute's directives; and revise language to state that documentation that a parent or guardian was notified that a child had accumulated 10 unexcused absences constitutes prima facie evidence that the parent or guardian is responsible for the absences.*

**CURRENT LAW:** G.S. 115C-378 sets out the compulsory attendance law.

**Compulsory Attendance Required:** Parents, guardians, or other persons having charge or control of a child between the ages of 7-16 must cause that child to attend school for an equivalent period to the time in which the public school to which the child is assigned is in session. For children less than 7 enrolled in public school, the parents must cause the child to attend school when school is in session unless the child has withdrawn from school. No person may encourage or entice children to be unlawfully absent from school. Parents, guardians, or custodians must notify the school of the reason for known absences in accord with local school policy.

**Excused Absences:** The principal, superintendent, or teacher who is in charge of a school has the right to temporarily excuse a student's absence due to sickness or other unavoidable cause that does not constitute an unlawful absence as defined by the State Board of Education.

**Nonpublic Schools:** Nonpublic schools instructing children of compulsory school age must keep records and make reports of attendance, and maintain the minimum curriculum and standards required by public schools. If a nonpublic school refuses to keep such records or reports, attendance at the nonpublic school shall not be accepted in lieu of attendance at the public school to which the child is assigned. The course of instruction at the nonpublic school must run concurrently with the term of the public school in order to meet the requirements of the law.

**Notice and Action on Unexcused Absences:** The principal or designee must notify the parent, guardian or custodian (parent) of the child's excessive absences after 3 unexcused absences in a school year. After 6 unexcused absences, the parent must be notified by mail of a possible violation of the compulsory attendance law. Once notified, the school attendance counselor must work with the child and family to identify causes and steps to eliminate the absences.

**Reporting of Possible Violation:** After 10 unexcused absences, the principal must review any prepared report to notify the school social worker of a student's lack of attendance, and confer with the student and parent to determine if notice was received and a good faith effort was made to comply with the law. If the principal determines a good faith effort has not been made by the parent, the principal must notify the district attorney and director of social services. If the principal determines a good faith effort has been made by the parent, the principal may file a complaint with the juvenile court counselor. Evidence showing that the parent was notified and that the child has 10 absences which cannot be justified under established local board policy shall establish a prima facie case that the child's parent is responsible for the absences. Upon notice from the principal, the director of social services shall determine whether to undertake an investigation of abuse, neglect, or dependency.

# Senate Bill 708

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**BILL ANALYSIS:** Senate Bill 708 would amend G.S. 115C-378 as follows:

- Enumerate the current paragraphs of the section as subsections, and move the final sentence of the section into the relevant subsection.
- Add gender-neutral language.
- Remove outdated language.
- In subsection (a), replace the term "other person" with the term "custodian".
- In subsection (c), provide that a designee of the principal or superintendent (rather than a teacher in charge of the school) could also temporarily excuse student's absences.
- In subsection (e), permit a principal's designee, in addition to the principal, to notify parents after 3 absences, and to notify parents by mail after 6 unexcused absences of a possible violation of the compulsory attendance law.
- In subsection (f), permit a principal's designee, in addition to the principal, to review reports and make determinations as to whether a parent acted in good faith to comply with the compulsory school attendance law, and to notify the appropriate authorities based on that decision.
- In subsection (g), revise the language as to the establishment of a violation by a parent of the compulsory attendance law to provide that documentation will constitute prima facie evidence of the parent's responsibility for the absences, rather than establishing a prima facie case.
- **EFFECTIVE DATE:** The bill would become effective when it becomes law, and applies beginning with the 2009-2010 school year.

**BACKGROUND:** Any school official who violates the rules of the State Board of Education adopted for the enforcement of compulsory school attendance is guilty of a Class 3 misdemeanor under G.S. 115C-379. Any parent, guardian or other person who violates the provisions of the compulsory school attendance statute is guilty of a Class 1 misdemeanor.

*S708-SMRQ-86(e2) v1*

*\*Kara McCraw, Counsel to the Senate Education Committee, significantly contributed to this summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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2

SENATE BILL 708

Education/Higher Education Committee Substitute Adopted 4/14/09

Short Title: Amend the Compulsory School Attendance Law.

(Public)

Sponsors:

Referred to:

March 24, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115C-378 reads as rewritten:

5 "§ 115C-378. Children required to attend.

6 (a) Every parent, guardian or ~~other person~~ custodian in this State having charge or  
7 control of a child between the ages of seven and 16 years shall cause ~~such the~~ child to attend  
8 school continuously for a period equal to the time which the public school to which the child is  
9 assigned shall be in session. Every parent, guardian, or ~~other person~~ custodian in this State  
10 having charge or control of a child under age seven who is enrolled in a public school in grades  
11 kindergarten through two shall also cause ~~such the~~ child to attend school continuously for a  
12 period equal to the time which the public school to which the child is assigned shall be in  
13 session unless the child has withdrawn from school.

14 (b) No person shall encourage, entice or counsel any ~~such child~~ of compulsory school  
15 age to be unlawfully absent from school. The parent, guardian, or custodian of a child shall  
16 notify the school of the reason for each known absence of the child, in accordance with local  
17 school board policy.

18 (c) The principal, superintendent, or ~~teacher who is in charge of such school~~ a designee  
19 of the principal or superintendent shall have the right to excuse a child temporarily from  
20 attendance on account of sickness or other unavoidable cause that does not constitute unlawful  
21 absence as defined by the State Board of Education. The term "school" as used ~~herein is~~  
22 defined to embrace in this section includes all public schools and ~~such any~~ nonpublic schools as  
23 which have teachers and curricula that are approved by the State Board of Education.

24 (d) All nonpublic schools receiving and instructing children of a compulsory school age  
25 shall be required to ~~keep such~~ make and maintain attendance records of attendance and render  
26 ~~such reports of the attendance of such children those children~~ and maintain ~~such the~~ minimum  
27 curriculum standards ~~as are required of public schools; schools.~~ schools. If a nonpublic school refuses or  
28 neglects to make and maintain required attendance records, attendance at that school and  
29 attendance upon such schools, if the school refuses or neglects to keep such records or to render  
30 such reports, shall not be accepted in lieu of attendance upon at the public school of the district  
31 to which the child shall be assigned assigned. Provided, that instruction Instruction in a  
32 nonpublic school shall not be regarded as meeting the requirements of the law unless the  
33 courses of instruction run concurrently with the term of the public school in the district and  
34 extend for at least as long a term.

35 (e) The principal or ~~his the principal's~~ designee shall notify the parent, guardian, or  
36 custodian of his or her child's excessive absences after the child has accumulated three  
37 unexcused absences in a school year. After not more than six unexcused absences, the principal



\* 5 7 0 8 - V - 2 \*

1 or the principal's designee shall notify the parent, guardian, or custodian by mail that he or she  
2 may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences  
3 cannot be justified under the established attendance policies of the State and local boards of  
4 education. Once the parents are notified, the school attendance counselor shall work with the  
5 child and ~~his~~ the child's family to analyze the causes of the absences and determine steps  
6 including adjustment of the school program or obtaining supplemental services, to eliminate the  
7 problem. The attendance counselor may request that a law enforcement officer accompany him  
8 or her if he the attendance counselor believes that a home visit is necessary.

9 (f) After 10 accumulated unexcused absences in a school year, the principal or the  
10 principal's designee shall review any report or investigation prepared under G.S. 115C-381 and  
11 shall confer with the student and the student's parent, guardian, or custodian, if possible, to  
12 determine whether the parent, guardian, or custodian has received notification pursuant to this  
13 section and made a good faith effort to comply with the law. If the principal or the principal's  
14 designee determines that the parent, guardian, or custodian has not made a good faith effort to  
15 comply with the law, the principal shall notify the district attorney and the director of social  
16 services of the county where the child resides. If the principal or the principal's designee  
17 determines that the parent, guardian, or custodian has made a good faith effort to comply with  
18 the law, the principal may file a complaint with the juvenile court counselor pursuant to  
19 Chapter 7B of the General Statutes that the child is habitually absent from school without a  
20 valid excuse. Upon receiving notification by the principal or the principal's designee, the  
21 director of social services shall determine whether to undertake an investigation under  
22 G.S. 7B-302.

23 (g) ~~Evidence-Documentation that shows-demonstrates~~ that the parents, guardian, or  
24 custodian were notified and that the child has accumulated 10 absences which cannot be  
25 justified under the established attendance policies of the local board shall ~~establish-constitute~~ a  
26 prima facie case-evidence that the child's parent, guardian, or custodian is responsible for the  
27 absences. ~~Upon receiving notification by the principal, the director of social services shall~~  
28 ~~determine whether to undertake an investigation under G.S. 7B-302."~~

29 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
30 the 2009-2010 school year.



# SENATE BILL 526: School Violence Prevention Act

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Judiciary I	<b>Date:</b>	May 26, 2009
<b>Introduced by:</b>	Sen. Boseman	<b>Prepared by:</b>	Dee Atkinson
<b>Analysis of:</b>	Third Edition		Research Assistant

**SUMMARY:** *The Third Edition of Senate Bill 526 would provide that:*

- *No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.*
- *No person shall engage in any act of reprisal or retaliation against a victim, witness, or person with reliable information about an act of bullying or harassing behavior.*
- *A school employee who has witnessed or has reliable information about an incident of bullying or harassing behavior must report the incident to the appropriate school official.*
- *A student or volunteer who has witnessed or has reliable information about an incident of bullying or harassing behavior should report the incident to the appropriate school official.*
- *Before December 31, 2009, each local school administrative unit (LEA) must adopt a policy prohibiting bullying or harassing behavior based on the components listed in the bill. Nothing in this Article would prohibit a LEA from adopting a policy that includes components beyond the minimum components listed or that would be more inclusive than the requirements of this Article.*
- *Notice of the policy must appear in any LEA publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the LEA and in any student and school employee handbook.*
- *Information regarding the policy must be incorporated into the school's employee training program. To the extent funds are appropriated for these purposes, a LEA must, by March 1, 2010, provide training on the policy to school employees and volunteers who have significant contact with students.*
- *Schools must develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.*

**CURRENT LAW:** The State Board of Education has a policy for anti-harassment, bullying and discrimination (SS-A-007). The policy requires that the Department of Public Instruction provide guidance and technical assistance to local boards of education to prevent, intervene, investigate, document and report all forms of harassment, bullying, and discrimination. Each local board of education was required to develop policies and procedures by January 2005. Each local board is also required to have policies prohibiting acts of retaliation for reporting violations of the anti-harassment, anti-bullying and anti-discrimination policies, and to report all verified cases of harassment, bullying, or discrimination to the State Board of Education on the Discipline Data Collection Report.

**BILL ANALYSIS:** Bullying or harassing behavior would be any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that takes place on school property, at any school-sponsored function, or on a school bus that would:

- place a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. "Hostile environment" in this context means that the victim



# Senate Bill 526

Page 2

subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior would include, but not be limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

The local board policy must contain at least the following components:

- a statement prohibiting bullying or harassing behavior;
- a definition of bullying or harassing behavior no less inclusive than that set forth in this Article;
- a description of the type of behavior expected of students and school employees;
- consequences and appropriate remedial action for a person who commits an act of bullying or harassment;
- a procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously;
- a procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment;
- a statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequences for a person who engages in reprisal or retaliation; and
- a statement of how the policy is to be disseminated and publicized.

Senate Bill 526 would not be:

- construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint;
- interpreted to prevent a victim from seeking redress under any available civil or criminal law;
- construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued;
- construed to create any classification, protected class, suspect category, or preference beyond those existing in statute or case law.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and would apply beginning with the 2009-2010 school year, except where otherwise provided in G.S. 115C-407.6 (the requirement to adopt local board policy), as enacted by Section 1 of this act

**BACKGROUND:** According to the National Conference of State Legislatures, 39 states have enacted legislation on harassment, intimidation and bullying. Eighteen states have laws specifically prohibiting cyber bullying.

*Dr. Shirley Iorio, Legislative Analyst for the Senate Mental Health & Youth Services Committee contributed to this summary.*

S526-SMSM-1(e3) v7

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**3**

**SENATE BILL 526\*  
Mental Health & Youth Services Committee Substitute Adopted 4/30/09  
Third Edition Engrossed 5/6/09**

**Short Title: School Violence Prevention Act.**

**(Public)**

**Sponsors:**

**Referred to:**

March 12, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.**

**Whereas, the General Assembly of North Carolina finds that a safe and civil environment in school is necessary in order for students to learn and achieve high academic standards; and**

**Whereas, bullying and harassment, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and**



\* 5 5 2 6 - V - 3 \*

Whereas, bullying and harassing behaviors create a climate that fosters violence in our schools; and

Whereas, it is essential to enact a law that seeks to protect the health and welfare of North Carolina students and improve the learning environment for North Carolina students; and

Whereas, to do so, State and national data and anecdotal evidence have established the need to identify the most vulnerable targets and potential victims of bullying and harassment; and

Whereas, the sole purpose of this law is to protect all children from bullying and harassment, and no other legislative purpose is intended nor should any other intent be construed from passage of this law; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Subchapter VI of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 29B.

"School Violence Prevention.

**"§ 115C-407.5. Bullying and harassing behavior.**

(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

(1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.

(d) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(e) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

**"§ 115C-407.6. Policy against bullying or harassing behavior.**

(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall contain, at a minimum, the following components:

(1) A statement prohibiting bullying or harassing behavior.

- (2) A definition of bullying or harassing behavior no less inclusive than that set forth in this Article.
- (3) A description of the type of behavior expected for each student and school employee.
- (4) Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
- (5) A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (6) A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.
- (7) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.
- (8) A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

(c) Nothing in this Article shall prohibit a local school administrative unit from adopting a policy that includes components beyond the minimum components provided in this section or that is more inclusive than the requirements of this Article.

(d) Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook.

(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.

(f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.

**"§ 115C-407.7. Prevention of school violence.**

Schools shall develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.

**"§ 115C-407.8. Construction of this Article.**

(a) This Article shall not be construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.

(b) This Article shall not be interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law, either civil or criminal.

(c) Nothing in this Article shall be construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior.

(d) The provisions of this Article are severable, and if any provision of this Article is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this Article which can be given effect without the invalid provision.

(e) The provisions of this Article shall be liberally construed to give effect to its purposes.

1       (f) Nothing in this act shall be construed to create any classification, protected class,  
2 suspect category, or preference beyond those existing in present statute or case law."

3       **SECTION 2.** This act is effective when it becomes law and applies, unless  
4 otherwise provided in G.S. 115C-407.6, as enacted by Section 1 of this act, beginning with the  
5 2009-2010 school year.



**PAUL STAM**  
HOUSE REPUBLICAN LEADER  
N.C. HOUSE OF REPRESENTATIVES

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## What Is A 'Sexual Orientation'?

*Page numbers are from "Paraphilias," **Diagnostic and Statistical Manual of Mental Disorders**, Fourth Edition, Text Revision (Washington: American Psychiatric Association, 2000), pp. 566-582*

1. **Apotemnophilia** - sexual arousal associated with the stump(s) of an amputee
2. **Asphyxophilia** - sexual gratification derived from activities that involve oxygen deprivation through hanging, strangulation, or other means
3. **Autogynephilia** - the sexual arousal of a man by his own perception of himself as a woman or dressed as a woman (p. 574)
4. **Bisexual** - the capacity to feel erotic attraction toward, or to engage in sexual interaction with, both males and females
5. **Coprophilia** - sexual arousal associated with feces (p. 576)
6. **Exhibitionism** - the act of exposing one's genitals to an unwilling observer to obtain sexual gratification (p. 569)
7. **Fetishism/Sexual Fetishism** - obtaining sexual excitement primarily or exclusively from an inanimate object or a particular part of the body (p. 570)
8. **Frotteurism** - approaching an unknown woman from the rear and pressing or rubbing the penis against her buttocks (p. 570)
9. **Heterosexuality** - the universal norm of sexuality with those of the opposite sex
10. **Homosexual/Gay/Lesbian** - people who form sexual relationships primarily or exclusively with members of their own gender
11. **Gender Identity Disorder** - a strong and persistent cross-gender identification, which is the desire to be, or the insistence that one is, or the other sex, "along with" persistent discomfort about one's assigned sex or a sense of the inappropriateness in the gender role of that sex (p. 576)
12. **Gerontosexuality** - distinct preference for sexual relationships primarily or exclusively with an elderly partner
13. **Incest** - sex with a sibling or parent
14. **Kleptophilia** - obtaining sexual excitement from stealing
15. **Klismaphilia** - erotic pleasure derived from enemas (p. 576)
16. **Necrophilia** - sexual arousal and/or activity with a corpse (p. 576)

**17. Partialism** - A fetish in which a person is sexually attracted to a specific body part exclusive of the person (p. 576)

**18. Pedophilia** - Sexual activity with a prepubescent child (generally age 13 years or younger). The individual with pedophilia must be age 16 years or older and at least 5 years older than the child. For individuals in late adolescence with pedophilia, no precise age difference is specified, and clinical judgment must be used; both the sexual maturity of the child and the age difference must be taken into account; the adult may be sexually attracted to opposite sex, same sex, or prefer either (p. 571)

**19. Prostitution** - the act or practice of offering sexual stimulation or intercourse for money

**20. Sexual Masochism** - obtaining sexual gratification by being subjected to pain or humiliation (p. 573)

**21. Sexual Sadism** - the intentional infliction of pain or humiliation on another person in order to achieve sexual excitement (p. 574)

**22. Telephone Scatalogia** - sexual arousal associated with making or receiving obscene phone calls (p. 576)

**23. Toucherism** - characterized by a strong desire to touch the breast or genitals of an unknown woman without her consent; often occurs in conjunction with other paraphilia

**24. Transgenderism** - an umbrella term referring to and/or covering transvestitism, drag queen/king, and transsexualism

**25. Transsexual** - a person whose gender identity is different from his or her anatomical gender

**26. Transvestite** - a person who is sexually stimulated or gratified by wearing the clothes of the other gender

**27. Transvestic Fetishism** - intense sexually arousing fantasies, sexual urges, or behaviors involving cross-dressing (p. 575)

**28. Urophilia** - sexual arousal associated with urine (p. 576)

**29. Voyeurism** - obtaining sexual arousal by observing people without their consent when they are undressed or engaged in sexual activity (p. 575)

**30. Zoophilia/Bestiality** - engaging in sexual activity with animals (p. 576)

"Sexual orientation", or "gender identity," are broad terms that would create special protections for some behaviors that are considered criminal. The Christian Action League believes that the bullying of any person for any reason is wrong and should be prohibited. However, creating what would be in many respects a largely vague and undefined specially protected class is not really about protecting children but more of a political dogma to advance the normalization of homosexuality through the public schools.

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
May 28, 2009

The House Committee on Education met at 11:00 a.m. on Thursday, May 28, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Parmon and Womble; **Members:** Adams, Alexander, Avila, Blackwell, Blackwood, Bordsen, Bryant, Cleveland, Dickson, Dockham, Dollar, England, Burris-Floyd, E. Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Insko, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Michaux, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tillis, Tolson, Wiley, Wilkins and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** called the meeting to order and all introductions were completed. This meeting is a continuation from Tuesday, May 26, 2009. There was much debate concerning the School Violence Prevention Act that Chairman Bell set a specific time limit of 11:30 A.M. to vote on the bill. He stated that only those on the pervious list would be speaking and no amendments would be entertained.

The agenda was presented and the following bill was before the committee:

**SB 526 – A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVERSIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS**




**REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.**

**Representatives Adams and Womble** motioned for a favorable report and a recommendation that the bill be re-referred to the Committee on Judiciary I. The motion passed.

**Chairman Bell** adjourned the meeting at 11:40 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, May 28, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bill will be considered:

**BILL NO.    SHORT TITLE**

SB 526        School Violence Prevention Act.

**SPONSOR**

Senator Boseman

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
6:00 P.M. **May 26, 2009.**

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-28-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Brian Lewis	NCAE
Ann Maddock	Governor's Office
Donald Barringer	Governor's Office
John D. Denney	See Field of Mind
Sarah Preston	ACLU-NC
Angela Duff	NCS CDC
Ashley Bell	American Cancer Society
Betsy Vetter	American Heart Assn
Kevin FitzGerald	personal
Betsy McCorkle	CCNC
Dan Crawford	CCNC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

05-28-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Chris Nichols	Rep. Glazier
Pamela	PPCNC
Melissa Reed	PPHS
Leslie Arnold	SOG Family Bulletin
Paula A. Wolf	NC-NOW
Jack Register	Nat. Assoc of Social Workers-NC
Kay Paksoy	Chap.
Kris Parker	DRNC
Annaliese Dolph	DRNC
Jeffery Walston	GAIO-DDA
Harrison Gilbert	Gaerner's Office
Poz Smith	NC Child Care Coalition

# VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**05-28-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Jim Stegall	U. C. P. S.
Katherine Joyce	NCAAA
Leanne Winner	NCSBA
Chris Minard	State Bd of Ed
Renee Wimbush	Rep Folwell
Emily Doyle	NCPAPA
Conor Brockett	ncsba
TINA GORNER	NCNA
Josh Mammal	CMS
Josh Polanco	NCAAA

## VISITOR REGISTRATION SHEET

## Education

5-28-2009

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

NAME Ben Harris

UC PSS

# ***AGENDA***

## ***HOUSE COMMITTEE ON EDUCATION***

***May 28, 2009  
11:00 A.M.  
Room 643 LOB***

***Representative Bell  
Presiding Chair***

***CALL TO ORDER***

***OPENING REMARKS***

***SB 526      School Violence Prevention Act.      Senator Boseman***

***ADJOURNMENT***

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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**SENATE BILL 526\***  
**Mental Health & Youth Services Committee Substitute Adopted 4/30/09**  
**Third Edition Engrossed 5/6/09**  
**PROPOSED HOUSE COMMITTEE SUBSTITUTE S526-CSSF-35 [v.1]**

5/20/2009 12:12:25 PM

Short Title: No Bullying Anyone at Public Schools.

(Public)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED  
AN ACT TO PREVENT BULLYING AT PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Subchapter VI of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 29B.

"School Violence Prevention.

**"§ 115C-407.5. Bullying and harassing behavior.**

(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures, verbal communications, or physical acts that take place on school property, at any school-sponsored function, or on a school bus, and that:

(1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(2) Creates a hostile environment, by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior, and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a person who reports bullying or harassing behavior.

(d) A school employee, student, or volunteer who has witnessed or has reliable information that a student or school employee has been subject to bullying or harassing behavior shall report the incident to the appropriate school official.

**"§ 115C-407.6. Policy against bullying or harassing behavior.**

(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall:

(1) Prohibit bullying or harassing behavior.

(2) Define bullying or harassing behavior as set forth in this Article.



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(3) State the consequences for a person who commits an act of bullying or harassment.

(4) State a procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act confidentially. This shall not be construed to permit disciplinary action solely on the basis of a confidential report.

(5) State a procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.

(6) Prohibit reprisal or retaliation against any person who reports bullying or harassment behavior, and state the consequences for a person who engages in reprisal or retaliation.

(7) State how the policy is to be disseminated and publicized.

(c) Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook and be part of a school's employee training program.

(d) A local school administrative unit shall:

(1) Provide training on the local policy to school employees and volunteers who have significant contact with students; and

(2) Implement a process for discussing the policy with students.

**"§ 115C-407.7. Prevention of school violence.**

Schools shall implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.

**"§ 115C-407.8. Construction of this Article.**

(a) This Article shall not be construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.

(b) This Article shall not be interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law.

(c) Nothing in this Article shall be construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior.

(d) The provisions of this Article are severable, and if any provision of this Article is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this Article which can be given effect without the invalid provision.

(e) The provisions of this Article shall be liberally construed to give effect to its purposes.

(f) Nothing in this act shall be construed to create any classification or preference beyond those existing in present statute or case law."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2009-2010 school year.



# SENATE BILL 526: School Violence Prevention Act

2009-2010 General Assembly

**Committee:** House Education, if favorable, Judiciary I  
**Introduced by:** Sen. Boseman  
**Analysis of:** Third Edition

**Date:** May 26, 2009  
**Prepared by:** Dee Atkinson  
Research Assistant

**SUMMARY:** *The Third Edition of Senate Bill 526 would provide that:*

- *No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.*
- *No person shall engage in any act of reprisal or retaliation against a victim, witness, or person with reliable information about an act of bullying or harassing behavior.*
- *A school employee who has witnessed or has reliable information about an incident of bullying or harassing behavior must report the incident to the appropriate school official.*
- *A student or volunteer who has witnessed or has reliable information about an incident of bullying or harassing behavior should report the incident to the appropriate school official.*
- *Before December 31, 2009, each local school administrative unit (LEA) must adopt a policy prohibiting bullying or harassing behavior based on the components listed in the bill. Nothing in this Article would prohibit a LEA from adopting a policy that includes components beyond the minimum components listed or that would be more inclusive than the requirements of this Article.*
- *Notice of the policy must appear in any LEA publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the LEA and in any student and school employee handbook.*
- *Information regarding the policy must be incorporated into the school's employee training program. To the extent funds are appropriated for these purposes, a LEA must, by March 1, 2010, provide training on the policy to school employees and volunteers who have significant contact with students.*
- *Schools must develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.*

**CURRENT LAW:** The State Board of Education has a policy for anti-harassment, bullying and discrimination (SS-A-007). The policy requires that the Department of Public Instruction provide guidance and technical assistance to local boards of education to prevent, intervene, investigate, document and report all forms of harassment, bullying, and discrimination. Each local board of education was required to develop policies and procedures by January 2005. Each local board is also required to have policies prohibiting acts of retaliation for reporting violations of the anti-harassment, anti-bullying and anti-discrimination policies, and to report all verified cases of harassment, bullying, or discrimination to the State Board of Education on the Discipline Data Collection Report.

**BILL ANALYSIS:** Bullying or harassing behavior would be any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that takes place on school property, at any school-sponsored function, or on a school bus that would:

- place a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. "Hostile environment" in this context means that the victim

# Senate Bill 526

Page 2

subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior would include, but not be limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

The local board policy must contain at least the following components:

- a statement prohibiting bullying or harassing behavior;
- a definition of bullying or harassing behavior no less inclusive than that set forth in this Article;
- a description of the type of behavior expected of students and school employees;
- consequences and appropriate remedial action for a person who commits an act of bullying or harassment;
- a procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously;
- a procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment;
- a statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequences for a person who engages in reprisal or retaliation; and
- a statement of how the policy is to be disseminated and publicized.

Senate Bill 526 would not be:

- construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint;
- interpreted to prevent a victim from seeking redress under any available civil or criminal law;
- construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued;
- construed to create any classification, protected class, suspect category, or preference beyond those existing in statute or case law.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and would apply beginning with the 2009-2010 school year, except where otherwise provided in G.S. 115C-407.6 (the requirement to adopt local board policy), as enacted by Section 1 of this act.

**BACKGROUND:** According to the National Conference of State Legislatures, 39 states have enacted legislation on harassment, intimidation and bullying. Eighteen states have laws specifically prohibiting cyber bullying.

*Dr. Shirley Iorio, Legislative Analyst for the Senate Mental Health & Youth Services Committee contributed to this summary.*

S526-SMSM-1(e3) v7

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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SENATE BILL 526\*

Mental Health & Youth Services Committee Substitute Adopted 4/30/09

Third Edition Engrossed 5/6/09

Short Title: School Violence Prevention Act.

(Public)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.

Whereas, the General Assembly of North Carolina finds that a safe and civil environment in school is necessary in order for students to learn and achieve high academic standards; and

Whereas, bullying and harassment, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and



Whereas, bullying and harassing behaviors create a climate that fosters violence in our schools; and

Whereas, it is essential to enact a law that seeks to protect the health and welfare of North Carolina students and improve the learning environment for North Carolina students; and

Whereas, to do so, State and national data and anecdotal evidence have established the need to identify the most vulnerable targets and potential victims of bullying and harassment; and

Whereas, the sole purpose of this law is to protect all children from bullying and harassment, and no other legislative purpose is intended nor should any other intent be construed from passage of this law; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Subchapter VI of Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 29B.

"School Violence Prevention.

**"§ 115C-407.5. Bullying and harassing behavior.**

(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

(1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.

(d) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(e) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

**"§ 115C-407.6. Policy against bullying or harassing behavior.**

(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall contain, at a minimum, the following components:

(1) A statement prohibiting bullying or harassing behavior.

- (2) A definition of bullying or harassing behavior no less inclusive than that set forth in this Article.
- (3) A description of the type of behavior expected for each student and school employee.
- (4) Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
- (5) A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (6) A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.
- (7) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.
- (8) A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

(c) Nothing in this Article shall prohibit a local school administrative unit from adopting a policy that includes components beyond the minimum components provided in this section or that is more inclusive than the requirements of this Article.

(d) Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook.

(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.

(f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.

**"§ 115C-407.7. Prevention of school violence.**

Schools shall develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.

**"§ 115C-407.8. Construction of this Article.**

(a) This Article shall not be construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.

(b) This Article shall not be interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law, either civil or criminal.

(c) Nothing in this Article shall be construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior.

(d) The provisions of this Article are severable, and if any provision of this Article is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this Article which can be given effect without the invalid provision.

(e) The provisions of this Article shall be liberally construed to give effect to its purposes.

1     (f) Nothing in this act shall be construed to create any classification, protected class,  
2 suspect category, or preference beyond those existing in present statute or case law."

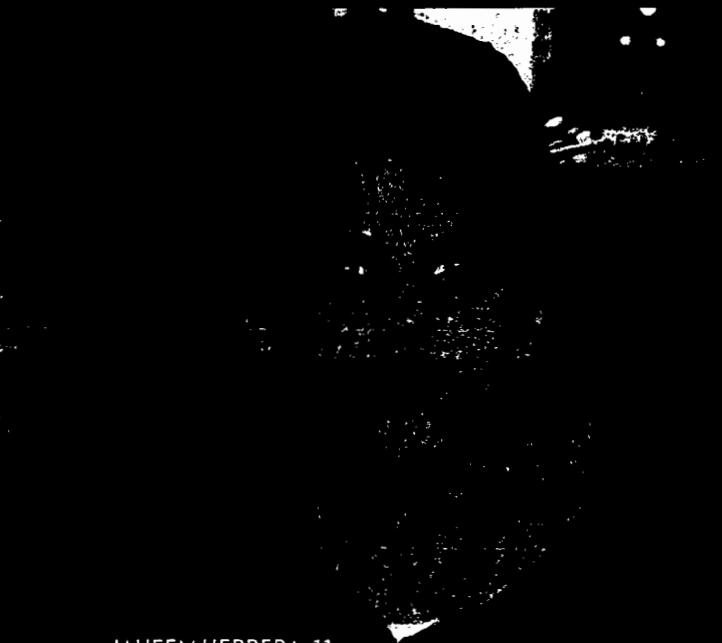
3           **SECTION 2.** This act is effective when it becomes law and applies, unless  
4 otherwise provided in G.S. 115C-407.6, as enacted by Section 1 of this act, beginning with the  
5 2009-2010 school year.



# TWO BOYS, TWO TOWNS, TWO TRAGEDIES BULLIED



CARL WALKER-HOOVER, 11



JAHEEM HERRERA, 11

IN 10 DAYS, TWO BOYS HANGED THEMSELVES AFTER BEING  
TEASED AT SCHOOL. COULD THEY HAVE BEEN SAVED?

**T**he first child, Carl Walker-Hoover, came home from school on April 6, sat with his mother for a while, then waited in his room while she made him a cheeseburger. "I called up to him while it was cooking," says Sird-eaner Walker, 44. "He didn't answer. So I went upstairs." There, she found Carl, 11, hanging from an electric cord slung over a banister. "I couldn't hold him up," she says. "His weight was so heavy. All I could do was scream."

Ten days later, the second boy, Jaheem Herrera, came home from

school with his report card. "He had all A's and B's," says his mother, Masi-ka Bermudez, 29. "I gave him a high five." Jaheem, 11, went to his room, and when dinner was ready, "I kept calling him but he didn't answer," says Bermudez. "My daughter and I went upstairs. We unlocked the door. We walked in, and I saw him hanging in the closet. I tried to hold him up. When I touched him, he was cold."

An unthinkable scene played out twice just 10 days apart—how could it be? Why did Carl, a bright, creative kid from Springfield, Mass., who

wrote plays and once made his own currency, and Jaheem, of Decatur, Ga., who loved drawing flowers and doing funny dances, decide to end their lives? Their mothers say the tragedies have something in common: Both Carl and Jaheem were taunted and called gay by bullies. "How could his school have let it reach the point where a child kills himself?" says Bermudez. "Parents are at work thinking their kids are safe, but they're not."

Bullying is hardly a new problem, and in recent years schools have been addressing it, experts say. Still,





Sirdeaner Walker (right), with her son's backpack, says he was afraid to tell teachers about being bullied. "He said he'd be labeled a snitch," she says. Above, friends sign a memorial banner to Carl in Springfield, Mass.



"they need to talk about it more," says Tina Meier, 38, a lecturer on bullying whose daughter Megan killed herself in 2006 after a neighbor created a fake MySpace account used to harass her. "It's not just depressed kids committing suicide." According to the National Youth Violence Prevention Resource Center, nearly 30 percent of

students in grades 6 through 10 have bullied someone or been bullied.

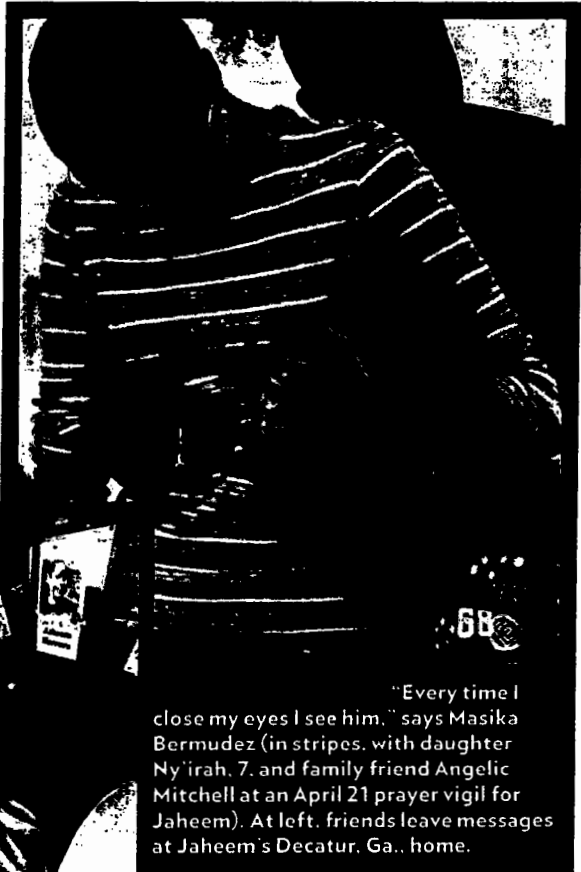
For Carl, the problem was classmates at the New Leadership Charter School "who called him gay," says his friend Sherine Cockett, 11. "It bothered him a lot." His mother says she spoke with school officials about it; they had Carl meet regularly with a counselor and, she says, "told me everything is under control." But on April 6, Carl told her he accidentally pushed a rolling TV set into a classmate, who allegedly threatened him. Later that day he wrote a suicide note before hanging himself. "He said, 'Tell everyone I'm sorry and that I love them,'" says Walker, a social worker and single mother to three other children. Peter Daboul, chairman of the school's board of trustees, says a task force is looking into the matter. "As best we know, we did what we were supposed to do," he says. "Maybe it isn't enough."

Masika Bermudez says she met with officials at Dunaire Elementary School seven

or eight times about the bullies "who said Jaheem was gay and made fun of him. They said they would take care of it." On April 16, according to classmates, Jaheem asked three pals if they wanted to see a movie that weekend. A boy standing nearby sneered, "Man, that's gay." Jaheem turned to his friends and said, "Would you miss me if I was gone?" Later that day he hanged himself with his belt. "The people who were supposed to take care of him didn't do it," says Bermudez, a single mother to three young girls. "They failed him." School officials pledged to review the case; the DeKalb County District Attorney is also looking into it. Bullying expert Dr. Eli Newberger says school programs aimed at combatting bullies will fall short if they don't also confront "homophobia among children. It's become widespread and acceptable for playground insults, and it's deeply hurtful."

Those who knew Carl and Jaheem can only hope their deaths will somehow help make schools safer. "I was really mad when I found out Carl killed himself," says his friend Kevin Cao, 11. "Now he won't get to grow up and find out who he was going to be."

By Alex Tresniowski. Anne Driscoll in Springfield, Chandra Thomas in Decatur, Steve Helling in Orlando and Howard Breuer in Los Angeles



"Every time I close my eyes I see him," says Masika Bermudez (in stripes, with daughter Ny'irah, 7, and family friend Angelic Mitchell at an April 21 prayer vigil for Jaheem). At left, friends leave messages at Jaheem's Decatur, Ga., home.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 526** A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on JUDICIARY I.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

# EDUCATION COMMITTEE

May 28, 2009

## HOUSE PAGES

<u>Name</u>	<u>County</u>	<u>Sponsor</u>
Hillary Mushaka	Wayne	Rep. Wainwright
Sarah Parsons	Montgomery	Rep. Goodwin

## SGT-AT-ARMS

JOHN BRANDON

MARVIN LEE

TREY RALEY

JUDY TURNER

MARTHA PARRISH

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, June 2, 2009**

**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets) and staff.**

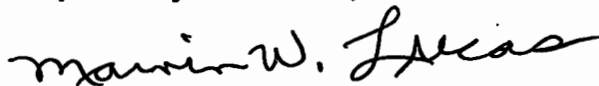
**SB 386 Make Best Use of Corporate Tax Revenue – Senator Clodfelter explained the bill. There were comments and questions by Representatives Cotham, Brown, Blackwell, Avila, Hurley, E. Flood, Blackwell and Ms. Leanne Winner (DPI). Representative Cotham made a motion for a favorable report and recommendations that the bill be re-referred to the Committee on Appropriations. The Committee concurred and the bill passes.**

**SB 498 Affordable Housing for Teachers/Edgecombe Co. – Senator Jenkins explained the bill. Representative Stam moves for a favorable report and recommendation that the bill be re-referred to the Committee on Finance. The Committee concurred and the bill passes.**

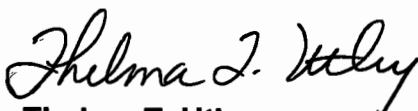
**SB 678 Establish Physician Assistant Scholarships – Senator Brunstetter explains the bills. Comments and questions by Mr. John Bode, Lobbyist for Physicians Assistants, Ms. Drupti Chauhan, Staff, Representatives Jackson, Samuelson, and Blackwell. Representative Womble moves for a favorable report to the House committee substitute bill, which changes the title, unfavorable as to the original bill and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations. The Committee concurred and the bill passes.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas**  
**Chair**



**Thelma T. Utley**  
**Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 2, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 386	Make Best Use of Corporate Tax Revenue.	Senator Clodfelter
SB 498	Affordable Housing for Teachers/Edgecombe Co.	Senator Jenkins
SB 583	Tuition Reciprocity/Community Colleges.	Senator Snow
SB 678	Establish Physician Assistant Scholarships.	Senator Brunstetter

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11 o'clock on **May 28, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

# VISITOR REGISTRATION SHEET

EDUCATION

06/02/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME	FIRM OR AGENCY AND ADDRESS
<i>[Signature]</i>	B.C.S.
HERB CROUSHAW	AT&T
Bruce Linn	NCAE
Jessi Hayes	NC HBA
Shelley Crisp	North Carolina Humanities Council
Meredith Trank	NCAAC
Jane Caff	Forsyth County, NC
Chuck Hawkins	NCCAT
<i>[Signature]</i>	NC DPI
Christine Wunsch	SOG Daily Bulletin
TINA GORDON	NC Nurses Assoc.

## VISITOR REGISTRATION SHEET

## EDUCATION

**.06/02/2009**

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Jer Rayall

NLFPL

Leanne Winnie

NCSBPA

Cady Thomas

NZ AGON 3 REALTOR

Darnell Boyd

Rep. Adams

Lydia Boesch

Fair Annexation Coalition,

R62 Scwitt

No Child Care Coalition

# VISITOR REGISTRATION SHEET

EDUCATION

06/02/2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Ferris Guillong	UNC-Chapel Hill
Ann Maddock	Governor's office
Jim Stegall	U.C.P.S.
Mark Ezzell	HUTCH
Ashley Wom	NCAAA
Kyle Joyce	Student
Katherine Joyce	NCAAA
Oliver P. Jones	Public Sch. Forum of NC
Emily Joyce	NCAAA
Jim Jones	WCPSS
Conor Bockell	NCSBA



[illegible]

06/02/2009

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**FIRM OR AGENCY AND ADDRESS**

Ne. 2c4

State Bd of Ed

NCPPA

KLG

NETC DC

ACLU-NC

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A schematic diagram of a 1D lattice chain. The chain consists of two parallel horizontal lines representing the boundaries of the lattice. The top line has several small circles (sites) connected by horizontal bonds. The bottom line also has small circles connected by horizontal bonds. Vertical bonds connect corresponding sites on the top and bottom lines. The left end of the chain is labeled 'L' and the right end is labeled 'R'. A central site on the top line is labeled 'i'.

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**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, June 2, 2009**  
**11:00 am**  
**643 LOB**  
**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

<b>SB 386</b>	<b>Make Best Use of Corporate Tax Revenue.</b>	<b>Senator Clodfelter</b>
<b>SB 498</b>	<b>Affordable Housing for Teachers/Edgecombe Co.</b>	<b>Senator Jenkins</b>
<b>SB 678</b>	<b>Establish Physician Assistant Scholarships.</b>	<b>Senator Brunstetter</b>

**Adjournment**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 386** A BILL TO BE ENTITLED AN ACT TO FACILITATE FISCAL PLANNING  
BY REQUIRING COUNTIES AND LOCAL SCHOOL ADMINISTRATIVE UNITS TO  
REPORT ANTICIPATED EXPENDITURES OF THE PUBLIC SCHOOL BUILDING  
CAPITAL FUND.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 386  
Education/Higher Education Committee Substitute Adopted 5/6/09

Short Title: Counties to Report Anticipated Use of PSBCF.

(Public)

Sponsors:

Referred to:

March 4, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO FACILITATE FISCAL PLANNING BY REQUIRING COUNTIES AND  
3 LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT ANTICIPATED  
4 EXPENDITURES OF THE PUBLIC SCHOOL BUILDING CAPITAL FUND.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 38A of Chapter 115C of the General Statutes is amended by  
7 adding a new section to read:

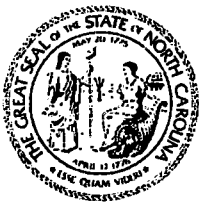
8 "**§ 115C-546.3. Required annual report of planned future expenditures by counties.**

9 On or before June 1 of each year, each county in concert with the local school  
10 administrative units within that county shall submit to the Department of Public Instruction a  
11 report of anticipated expenditures of both the corporate tax and lottery portions of the Public  
12 School Building Capital Fund. The report shall be made on a form and format prescribed by the  
13 Department and shall include the following:

- 14 (1) The amount of funds allocated to the county that the county does not  
15 anticipate requesting during the next fiscal year for capital outlay projects,  
16 debt payments, technology equipment purchases, or other approved uses;  
17 (2) A listing of planned future uses of funds from the Public School Building  
18 Capital Fund, including capital projects, debt payments, technology  
19 equipment purchases, or other approved uses, for which the county is  
20 accumulating funds;  
21 (3) The fiscal year in which the county plans to use the funds for each of the  
22 planned future uses; and  
23 (4) The estimated amounts of funds from the Public School Building Capital  
24 Fund that the county plans to use for each of the planned future uses."

25 SECTION 2. This act is effective when it becomes law.





## SENATE BILL 386: Counties to Report Anticipated Use of PSBCF

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 2, 2009
<b>Introduced by:</b>	Sen. Clodfelter	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	Second Edition		Legislative Analyst

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**SUMMARY:** *Senate Bill 386 would require counties and local school administrative units (LEAs) to report anticipated expenditures of the Public School Building Capital Fund (PSBCF).*

*Senate Bill 386 has a serial referral to Appropriations*

**CURRENT LAW:** G.S. 115C-546.1 creates the Public School Building Capital Fund to assist county governments in meeting their public school building capital needs and their equipment needs under their local school technology plans.

**BILL ANALYSIS:** Senate Bill 386 would require that each county along with the LEAs in that county submit to the Department of Public Instruction a report of anticipated expenditures of both the corporate tax and lottery portions of the PSBCF on or before June 1 of each year. The report must include the following:

- The amount of funds allocated to the county that the county does not anticipate requesting during the next fiscal year for capital outlay projects, debt payments, technology equipment purchases, or other approved uses;
- A list of planned future uses of funds from the PSBCF including capital projects, debt payments, technology equipment purchases, or other approved uses for which the county is accumulating funds;
- The fiscal year in which the county plans to use the funds for each of the planned future uses; and
- The estimated amounts of funds from the PSBCF that the county plans to use for each of the planned future uses.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** Approximately 7.5% of all corporate income tax paid goes to the PSBCF. The funds are allocated based on average daily membership and allocations that are not used in one year accrue to the benefit of the LEA along with interest. The funds from the corporate income tax may be used for capital outlay projects; school technology; and to retire indebtedness for public school facilities. The PSBCF also receives money from the North Carolina Educational Lottery. Forty percent (40%) of the net proceeds is allocated to the PSBCF with 65% of those proceeds distributed based on average daily membership. The remaining 35% is distributed to LEAs in counties where the effective county tax rate is higher than the State average effective tax rate; this distribution is also based on average daily membership.

*Drupi Chauhan, Counsel to the Senate Education/Higher Education Committee, substantially contributed to this summary.*

S386-SMSF-70(e2) v2

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 386  
Education/Higher Education Committee Substitute Adopted 5/6/09

Short Title: Counties to Report Anticipated Use of PSBCF. (Public)

Sponsors:

Referred to:

March 4, 2009

A BILL TO BE ENTITLED

AN ACT TO FACILITATE FISCAL PLANNING BY REQUIRING COUNTIES AND  
LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT ANTICIPATED  
EXPENDITURES OF THE PUBLIC SCHOOL BUILDING CAPITAL FUND.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 38A of Chapter 115C of the General Statutes is amended by  
adding a new section to read:

**"§ 115C-546.3. Required annual report of planned future expenditures by counties.**

On or before June 1 of each year, each county in concert with the local school  
administrative units within that county shall submit to the Department of Public Instruction a  
report of anticipated expenditures of both the corporate tax and lottery portions of the Public  
School Building Capital Fund. The report shall be made on a form and format prescribed by the  
Department and shall include the following:

- (1) The amount of funds allocated to the county that the county does not  
anticipate requesting during the next fiscal year for capital outlay projects,  
debt payments, technology equipment purchases, or other approved uses;
- (2) A listing of planned future uses of funds from the Public School Building  
Capital Fund, including capital projects, debt payments, technology  
equipment purchases, or other approved uses, for which the county is  
accumulating funds;
- (3) The fiscal year in which the county plans to use the funds for each of the  
planned future uses; and
- (4) The estimated amounts of funds from the Public School Building Capital  
Fund that the county plans to use for each of the planned future uses."

**SECTION 2.** This act is effective when it becomes law.



\* 5 3 8 6 - V - 2 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**SB 498** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGECOMBE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on FINANCE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

2

**SENATE BILL 498\*  
House Committee Substitute Favorable 6/17/09**

Short Title: Affordable Housing for Teachers/Edgecombe Co.

(Local)

Sponsors:

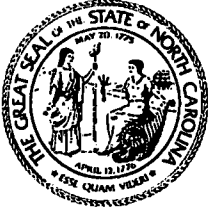
Referred to:

March 11, 2009

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE EDGECOMBE COUNTY BOARD OF EDUCATION TO  
3 CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS  
4 AND OTHER SCHOOL SYSTEM EMPLOYEES.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of  
7 Chapter 160A of the General Statutes, or any other provision of law, and subject to the  
8 restrictions set out in this act, the Edgecombe County Board of Education may contract with  
9 any person, firm, partnership, corporation, association, foundation, or other business entity to  
10 construct, provide, or maintain affordable rental housing on property owned or leased by the  
11 Edgecombe County Board of Education or by any other person, firm, partnership, corporation,  
12 association, foundation, or other business entity.  
13 **SECTION 2.** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of  
14 Chapter 160A of the General Statutes, the Edgecombe County Board of Education may  
15 henceforth use its local funds, including its Edgecombe Learning Fund, to purchase, lease, or  
16 otherwise acquire real property on which such housing would be located, and may assign,  
17 donate, lease, or otherwise transfer certain rights in such real property to any person, firm,  
18 partnership, corporation, association, foundation, or other business entity to hold title to and/or  
19 manage such property, or otherwise further the purposes of this act. The Edgecombe County  
20 Board of Education may henceforth use local funds, including its Edgecombe Learning Fund,  
21 to support a nonprofit foundation to effectuate the purposes of this act.  
22 **SECTION 3.** Notwithstanding G.S. 66-58, G.S. 115C-518, and Article 12 of  
23 Chapter 160A of the General Statutes, or any other provision of law, the Edgecombe County  
24 Board of Education or its designee may rent housing units owned or leased by the Board  
25 pursuant to this act for residential use. In renting such housing units, the Board shall give  
26 priority to Edgecombe County public school teachers and shall thereafter give priority to other  
27 Edgecombe County public school professional staff or other Board employees, but shall also  
28 use its discretion to achieve occupancy sufficient to sustain the purposes of this act. The Board  
29 shall have the authority to establish reasonable rents for any such housing units, and may, in its  
30 discretion, charge below-market rates.  
31 **SECTION 4.** This act shall not exempt any affordable housing units constructed  
32 pursuant to this act from compliance with applicable building codes, zoning ordinances, or  
33 health and safety statutes, rules, or regulations.  
34 **SECTION 5.** This act is effective when it becomes law.







# SENATE BILL 498: Affordable Housing for Teachers/Edgecombe Co

2009-2010 General Assembly

**Committee:** House Education, if favorable, Finance  
**Introduced by:** Sen. Jenkins  
**Analysis of:** First Edition

**Date:** June 2, 2009  
**Prepared by:** Kara McCraw\*  
Committee Counsel

**SUMMARY:** *Senate Bill 498 would authorize the Edgecombe County Board of Education to construct and provide affordable rental housing for Edgecombe County school teachers and other school professional staff and employees.*

[As introduced, this bill was identical to H531, introduced by Reps. Tolson and Farmer-Butterfield. IIB 531 received a favorable report from the House Committee on Education and was serially referred to House Finance.]

**CURRENT LAW:** Under G.S. 66-58, the Umstead Act, governmental units are generally prohibited from engaging in the sale of goods and services in competition with citizens of the State, unless specifically exempted. G.S. 115C-518 provides for the disposition of school property when a local board of education determines that a building site or other real or personal property is unnecessary or undesirable for public school purposes. Such property is usually offered to the board of county commissioners at a fair market price or sold by advertisement for sealed bids or at public auction under Article 12 of Chapter 160A of the General Statutes. G.S. 105-278.7 exempts real and personal property from property tax when such property is used for educational or other charitable purposes.

**BILL ANALYSIS:** Section 1 of House Bill 531 would authorize the Edgecombe County Board of Education to contract with any person, firm, partnership, corporation, association, foundation or other business entity to (i) construct, (ii) provide, or (iii) maintain affordable rental housing on property owned or leased by the Board or by any other person, firm, partnership, corporation, association, foundation, or other business entity.

Section 2 provides that the Board may use its local funds (including the Edgecombe Learning Fund) to purchase, lease, or acquire real property on which the housing would be located. The Board may also assign, donate, lease or transfer rights in such real property to any person, firm, partnership, corporation, association, foundation, or other business entity to hold title to and manage such property. The Board may use local funds, including the Edgecombe Learning Fund, to support a nonprofit foundation to implement the purpose of the bill.

Section 3 of the bill authorizes the Board of Education or its designee to rent housing units for residential use that are owned or leased by the Board under the act for residential use. In renting such housing units, the Board must give priority to Edgecombe County public school teachers and then to other public school professional staff or other Board employees. The Board may use its discretion to maintain occupancy sufficient to sustain the purposes of the act. The Board has authority to establish reasonable rents for the housing units and may charge below-market rates. The provision of affordable housing is declared to be an educational purpose under G.S. 105.278.7 and therefore exempt from taxation.

Section 4 of the bill provides that any affordable housing units constructed under this act will not be exempt from compliance with applicable building codes, zoning ordinances, or other health and safety statutes, rules, or regulations.

**EFFECTIVE DATE:** The bill would be effective when it becomes law.

**BACKGROUND:** Similar types of legislation have been passed in recent years for the City of Asheville and the Asheville Board of Education, the Hertford County Board of Education, the Bertie County Board of Education, and the Dare County Board of Education.

*\*Shirley Iorio, Committee Analyst to House Educ. Subcomm. on Pre-School, Elem. and Secondary Education, Wendy Graft Ray, Counsel to House Judiciary III, and Barbara Riley, Counsel to Senate State and Local Gov't. substantially contributed to this summary.*

S498-SMTC-94(e1) v2

Research Division

O. Walker Reagan, Director

(919) 733-2578



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**SB 678** A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NEED-BASED  
PHYSICIAN ASSISTANT SCHOLARSHIPS.

☒ With a favorable report as to the House committee substitute bill, which changes the title,  
unfavorable as to the original bill, and recommendation that the House committee substitute bill  
be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 678  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S678-PCS85238-RQ-33

Short Title: Establish Physician Assistant Scholarships.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PHYSICIAN ASSISTANT SCHOLARSHIPS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 42.

"Physician Assistant Scholarships.

"§ 90-750. Physician assistant scholarships fund.

(a) There is created a scholarship loan fund for physician assistant students. Scholarship loans shall be available for study in physician assistant education programs offered by The University of North Carolina and by private colleges that offer accredited physician assistant education programs.

(b) Physician assistant scholarship loan funds shall be administered by the State Education Assistance Authority in accordance with rules adopted by the State Education Assistance Authority. Scholarship loans shall be made only to prospective and enrolled physician assistant students under the terms and conditions established for the physician assistant scholarship loan program by the State Education Assistance Authority.

(c) The State Education Assistance Authority shall carry out the following functions in implementing the physician assistant scholarship loan program:

- (1) Adopt the rules necessary to implement the scholarship loan program, including the selection criteria and method of selection of recipients of physician assistant scholarship loans;
- (2) Disburse, collect, and monitor scholarship loan funds;
- (3) Establish the terms and conditions of promissory notes executed by scholarship loan recipients;
- (4) Approve service repayment agreements;
- (5) Collect cash repayments required when service repayment is not completed;  
and
- (6) Adopt rules to allow for the forgiveness of scholarship loans if it determines that it is impossible for the recipient to practice as a physician assistant in North Carolina for a sufficient time to repay the loan because of the death or permanent disability of the recipient within 10 years following graduation or termination of enrollment in a physician assistant education program.



\* S 6 7 8 - P C S 8 5 2 3 8 - R Q - 3 3 \*

1       (d)   The State Education Assistance Authority shall forgive the scholarship loan if,  
2 within four years after graduation from a physician assistant education program, the physician  
3 assistant practices in a medically underserved area or discipline, as defined by the North  
4 Carolina Office of Rural Health and Community Care. Two years of service is required to pay  
5 each year of the scholarship loan.

6       (e)   The State Education Assistance Authority shall forgive the scholarship loan if,  
7 within four years after graduation from a physician assistant education program, the physician  
8 assistant serves as a full-time faculty member in a North Carolina physician assistant education  
9 program accredited by the Accreditation Review Commission on Education for the Physician  
10 Assistant. Two years of service is required to pay each year of the scholarship loan."

11       **SECTION 2.** This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 678  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S678-CSRQ-33 [v.1]

6/1/2009 6:32:24 PM

Short Title: Establish Physician Assistant Scholarships.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE PHYSICIAN ASSISTANT SCHOLARSHIPS.  
The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 42.

"Physician Assistant Scholarships.

**"§ 90-750. Physician assistant scholarships fund.**

(a) There is created a scholarship loan fund for physician assistant students. Scholarship loans shall be available for study in physician assistant education programs offered by The University of North Carolina and by private colleges that offer accredited physician assistant education programs.

(b) Physician assistant scholarship loan funds shall be administered by the State Education Assistance Authority in accordance with rules adopted by the State Education Assistance Authority. Scholarship loans shall be made only to prospective and enrolled physician assistant students under the terms and conditions established for the physician assistant scholarship loan program by the State Education Assistance Authority.

(c) The State Education Assistance Authority shall carry out the following functions in implementing the physician assistant scholarship loan program:

- (1) Adopt the rules necessary to implement the scholarship loan program, including the selection criteria and method of selection of recipients of physician assistant scholarship loans;
- (2) Disburse, collect, and monitor scholarship loan funds;
- (3) Establish the terms and conditions of promissory notes executed by scholarship loan recipients;
- (4) Approve service repayment agreements;
- (5) Collect cash repayments required when service repayment is not completed; and
- (6) Adopt rules to allow for the forgiveness of scholarship loans if it determines that it is impossible for the recipient to practice as a physician assistant in North Carolina for a sufficient time to repay the loan because of the death or permanent disability of the recipient within 10 years following graduation or termination of enrollment in a physician assistant education program.



\* 5 6 7 8 - C S R Q - 3 3 - V - 1 \*

1       (d) The State Education Assistance Authority shall forgive the scholarship loan if,  
2 within four years after graduation from a physician assistant education program, the physician  
3 assistant practices in a medically underserved area or discipline, as defined by the North  
4 Carolina Office of Rural Health and Community Care. Two years of service is required to pay  
5 each year of the scholarship loan.

6       (c) The State Education Assistance Authority shall forgive the scholarship loan if,  
7 within four years after graduation from a physician assistant education program, the physician  
8 assistant serves as a full-time faculty member in a North Carolina physician assistant education  
9 program accredited by the Accreditation Review Commission on Education for the Physician  
10 Assistant. Two years of service is required to pay each year of the scholarship loan."

11       **SECTION 2.** This act becomes effective July 1, 2009.



## SENATE BILL 678: Establish Physician Assistant Scholarships

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 2, 2009
<b>Introduced by:</b>	Sen. Brunstetter	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition S678-CSRQ-33		Committee Counsel*

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**SUMMARY:** *Senate Bill 678 would create a need-based scholarship loan for study in physician assistant education at UNC constituent institutions and private colleges. The Need-Based Physician Assistant Scholarships would be forgiven (1) if the physician assistant practices in a medically underserved area or discipline or (2) the physician assistant serves as a full-time faculty member in a North Carolina physician assistant education program.*

**The Proposed Committee Substitute (PCS) would do the following:**

- *Eliminate the need-based component of the scholarship loan and*
- *Delete language requiring distribution of funds to be based on proportions from the preceding year.*

**BILL ANALYSIS:** The PCS for Senate Bill 678 would create a Physician Assistant Scholarship for students in programs offered by The University of North Carolina and by private colleges. The State Education Assistance Authority (SEAA) would administer the scholarship loan in accordance with rules adopted by the SEAA. The SEAA would perform the following functions:

- Adopt the rules necessary to implement the scholarship loan program including the selection criteria and method of selection of recipients;
- Disburse, collect, and monitor the scholarship loan funds;
- Establish the terms and conditions of the promissory notes executed by recipients;
- Approve service repayment agreements and collect cash repayments;
- Adopt rules to allow for the loan to be forgiven if the recipient has died or been permanently disabled and unable to work as a physician assistant within 10 years following graduation or termination of enrollment.

The Physician Assistant Scholarships would be forgiven, if within four years after graduation, the individual practices in a medically underserved area or discipline, as defined by the North Carolina Office of Rural Health and Community Care. Two years of service would be required to pay each year of the scholarship loan.

The Physician Assistant Scholarships would also be forgiven, if within four years after graduation, the individual serves as a full-time faculty member in an accredited North Carolina physician assistant program. Two years of service would be required to pay each year of the scholarship loan.

**EFFECTIVE DATE:** The bill would become effective July 1, 2009.

**BACKGROUND:** There are fully accredited Physician Assistant Programs offering master's degrees located at Duke University, East Carolina University, Methodist University, and Wake Forest University. The Physician Assistant Program at Wingate University received provisional accreditation for a master's program on March 10, 2008 and began enrolling students in the fall of 2008. The first



# Senate Bill 678

Page 2

class will graduate in 2010 and the Physician Assistant Program is expected to receive full accreditation shortly afterward. The Board of Trustees at Campbell University has approved adding a Physician Assistant Program offering a master's degree and anticipates enrolling the first class in the summer of 2011.

Students in physician assistant programs are currently eligible for the NC Student Loan Program for Health, Science and Mathematics which is administered by the SEAA. A student in a master's degree program is eligible for \$6,500 per year for a 2 year program. One calendar year of full-time employment in a designated underserved area is required for each school year a loan is received and service repayment must be completed within 10 years of graduation. Physician assistants must work in primary care.

*S678-SMRQ-94(CSRQ-33) v1*

*\*Sara Kamprath, Policy Analyst to the Committee, substantially contributed to this bill summary.*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 678

Short Title:    Establish Physician Assistant Scholarships. (Public)

Sponsors:    Senators Brunstetter, Apodaca, Forrester, Snow, and Tillman.

Referred to:   Education/Higher Education.

March 19, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE NEED-BASED PHYSICIAN ASSISTANT  
SCHOLARSHIPS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 42.

"Need-Based Physician Assistant Scholarships.

**"§ 90-750. Need-based physician assistant scholarships fund.**

(a) There is created a need-based scholarship loan fund for physician assistant students. Need-based scholarship loans shall be available for study in physician assistant education programs offered by The University of North Carolina and by private colleges that offer accredited physician assistant education programs.

(b) Need-based physician assistant scholarship loan funds shall be administered by the State Education Assistance Authority in accordance with rules adopted by the State Education Assistance Authority. Distribution of scholarship loan funds among students enrolled in the constituent institutions of The University of North Carolina and private colleges shall be in amounts proportionate to the amounts awarded to each such group of students in the preceding fiscal year. Scholarship loans shall be made only to prospective and enrolled physician assistant students under the terms and conditions established for the need-based physician assistant scholarship loan program by the State Education Assistance Authority.

(c) The State Education Assistance Authority shall carry out the following functions in implementing the need-based physician assistant scholarship loan program:

- (1) Adopt the rules necessary to implement the scholarship loan program, including the selection criteria and method of selection of recipients of need-based physician assistant scholarship loans;
- (2) Disburse, collect, and monitor scholarship loan funds;
- (3) Establish the terms and conditions of promissory notes executed by scholarship loan recipients;
- (4) Approve service repayment agreements;
- (5) Collect cash repayments required when service repayment is not completed;  
and
- (6) Adopt rules to allow for the forgiveness of scholarship loans if it determines that it is impossible for the recipient to practice as a physician assistant in North Carolina for a sufficient time to repay the loan because of the death or permanent disability of the recipient within 10 years following graduation or termination of enrollment in a physician assistant education program.



\* 5 6 7 8 - V - 1 \*

1       (d) The State Education Assistance Authority shall forgive the scholarship loan if,  
2 within four years after graduation from a physician assistant education program, the physician  
3 assistant practices in a medically underserved area or discipline, as defined by the North  
4 Carolina Office of Rural Health and Community Care. Two years of service is required to pay  
5 each year of the scholarship loan.

6       (c) The State Education Assistance Authority shall forgive the scholarship loan if,  
7 within four years after graduation from a physician assistant education program, the physician  
8 assistant serves as a full-time faculty member in a North Carolina physician assistant education  
9 program accredited by the Accreditation Review Commission on Education for the Physician  
10 Assistant. Two years of service is required to pay each year of the scholarship loan."

11       **SECTION 2.** This act becomes effective July 1, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 678  
House Committee Substitute Favorable 6/2/09

Short Title: Establish Physician Assistant Scholarships.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PHYSICIAN ASSISTANT SCHOLARSHIPS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 42.

"Physician Assistant Scholarships.

**"§ 90-750. Physician assistant scholarships fund.**

(a) There is created a scholarship loan fund for physician assistant students. Scholarship loans shall be available for study in physician assistant education programs offered by The University of North Carolina and by private colleges that offer accredited physician assistant education programs.

(b) Physician assistant scholarship loan funds shall be administered by the State Education Assistance Authority in accordance with rules adopted by the State Education Assistance Authority. Scholarship loans shall be made only to prospective and enrolled physician assistant students under the terms and conditions established for the physician assistant scholarship loan program by the State Education Assistance Authority.

(c) The State Education Assistance Authority shall carry out the following functions in implementing the physician assistant scholarship loan program:

(1) Adopt the rules necessary to implement the scholarship loan program, including the selection criteria and method of selection of recipients of physician assistant scholarship loans;

(2) Disburse, collect, and monitor scholarship loan funds;

(3) Establish the terms and conditions of promissory notes executed by scholarship loan recipients;

(4) Approve service repayment agreements;

(5) Collect cash repayments required when service repayment is not completed; and

(6) Adopt rules to allow for the forgiveness of scholarship loans if it determines that it is impossible for the recipient to practice as a physician assistant in North Carolina for a sufficient time to repay the loan because of the death or permanent disability of the recipient within 10 years following graduation or termination of enrollment in a physician assistant education program.

(d) The State Education Assistance Authority shall forgive the scholarship loan if, within four years after graduation from a physician assistant education program, the physician assistant practices in a medically underserved area or discipline, as defined by the North



\* 5 6 7 8 - V - 2 \*

1 Carolina Office of Rural Health and Community Care. Two years of service is required to pay  
2 each year of the scholarship loan.

3 (e) The State Education Assistance Authority shall forgive the scholarship loan if,  
4 within four years after graduation from a physician assistant education program, the physician  
5 assistant serves as a full-time faculty member in a North Carolina physician assistant education  
6 program accredited by the Accreditation Review Commission on Education for the Physician  
7 Assistant. Two years of service is required to pay each year of the scholarship loan."

8 **SECTION 2.** This act becomes effective July 1, 2009.

# Education

## House Pages

Name of Committee: \_\_\_\_\_ Date: 6/2/09

1. Name: Bonnie Blackburn

County: Forsyth

Sponsor: Bill McGee

2. Name: Kelly Grady

County: Columbia, SC

Sponsor: Tricia Cotham

3. Name: Catherine Strickland

County: Sampson

Sponsor: Bell

4. Name: Carson Hurt

County: Wake

Sponsor: Stam

4th. Kathryn Joyce

Kyle Joyce

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

### Sgt.-At-Arms

1. Name: MARVIN LEE

TREV RALEY

2. Name: MARTHA PARRISH

JOHN BRANDON

3. Name: JUDY TURNER

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
June 16, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, June 16, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon, and Womble; **Members:** Alexander, Avila, Blackwell, Blackwood, Bordsen, Brown, Bryant, Cleveland, Dickson, Dollar, England, B. Floyd, Folwell, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, Michaux, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements were made to the pages and all those instrumental in the continuing success of the education committee.

The agenda was presented and the following bills were before the committee:

**SB 1019 – A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.**

**Representative Parmon** moved to adopt the PCS; so moved by the committee. **Senator Stein** explained the purpose of SB 1019 to address the wide spread problem of financial illiteracy by promoting and establishing a Financial Literacy Council which would be housed in the Department of Justice. The goal of the Council would be to study current financial education programs in the State and best practices across the nation.

There was much support for the bill from the education committee. **Representative Dickson** motioned for a favorable report to the House committee substitute bill, unfavorable to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations. The motion was passed.

**SB 1030 – A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS.**

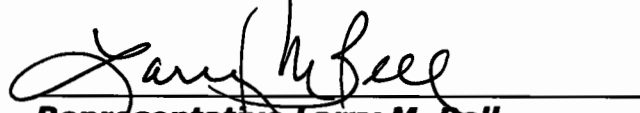
**Representative Lucas** moved to adopt the PCS, the motion passed. **Representative Goforth** explained Senator Stevens' bill and urged support from the committee. **Representative Bordsen** expressed concerns about school children playing on the grounds in the morning, why they are not able to play on the same playgrounds during aftercare programs; should there be play ground standards? **Representative Womble** expressed the safety of the child regardless of the agencies pro or con; does the bill lessen or strengthen the safety aspect as it relates to the children?

**Representative Cleveland** moved for a favorable report to the House committee substitute bill 2, unfavorable to the House committee substitute bill 1. The motion passed.

**Chairman Bell** adjourned the meeting at 11:50 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**



**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 16, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<b>HB 687</b>	<b>Tax Credits for Children with Disabilities.</b>	<b>Representative Stam Representative Wiley Representative Randleman</b>
<b>SB 1030</b>	<b>After-School Child Care Programs.</b>	<b>Senator Stevens</b>
<b>SB 1019</b>	<b>Establish NC Financial Literacy Council.</b>	<b>Senator Stein</b>

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10 A.M. **June 11, 2009.**

X Principal Clerk  
X Reading Clerk – House Chamber  
**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

06-16-2009

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

Jana Ayn	Ed Consultant
MIKE WATERS	NCEPA
Darnell Boyd	Rep. Adams
Jessette Rivera	Intern - Rep. Dickson
Grey Walters	Intern - Rep. Samuelson
Becki Gray	John Locke Foundation
Paul Stod	NKBA
Soren Schmidt	Action for Children NC
Mandy Ablesding	"
Barb Bradley	
Elizabeth Duncan	WCSR

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

06-16-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: <i>(Please Print)</i>	FIRM OR AGENCY AND ADDRESS
Laura Snyder	DPI - Exceptional Children
Ira Wolfe	DPI - Exceptional Children
Paige Fitzgerald	Rep. Folwell
Jennifer Mahan	MHANC
Annaliese Dolph	DRNC
Eric Johnson	BAMFIL
Jones Lamm	Rep. Jones
Elizabeth Parker	PEFMC
Brin Linn	NLA E
Ann Maddock	Governor's Office
Cecil Bork	NCAE

## VISITOR REGISTRATION SHEET

## COMMITTEE ON EDUCATION

**06-16-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Sheri Strickland

NCAE

Rodney Ellis

NCAE

Linda Gundersen

NZAE

Sherin Reid

DOG

# VISITOR REGISTRATION SHEET

committee on Education

Name of Committee

06-11-2009

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Mary Small

Z. Smith Reynolds Foundation

Pat Williamson

Z. Smith Reynolds Fdn Inc.

Jim Stegall

U.C.P.S.

T. S. W.

Rep. Doug Young

Jack Cozart

YMCA's

Roz Smith

NC Child Care Coalition

Jeff Mixon

Civitas

Keith Weathers

Rep. Starn

# VISITOR REGISTRATION SHEET

Committee on Education

06-16-2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Maureen Manell	American Society of NC
Ellen Russell	The Arc of NC
Jamie Fitzgerald	CAL
Brittany Farrell	NCFPC
Heather Barrett	Hunter E Williams
John Taggart	Genworth
Wendy Kelly	SZDicker
Wayne Lewis	NCHIE
Mari Fitz-Wynn	NCHIE
Dee Wynn	Z. Smith Reynolds Fdn
Gloria Pickett	Z. Smith Reynolds Fdn

# VISITOR REGISTRATION SHEET

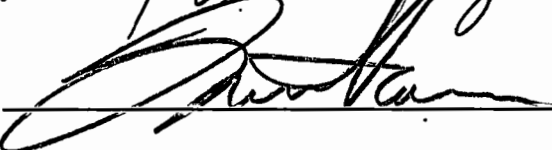
COMMITTEE ON EDUCATION

06-16-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Gene Causby	NCSCA
Karin Leonard	NCACC
Mendell Jordan	Public School Forum of NC
Ray Presnell Jr.	NC Retired School Personnel
	WCPS
Emily Doyle	NCPAPA
EMILY WILBOURNE	The Policy Group
Leanne Wimmer	NCSBA
Jane Locklear	DOD
Heather Laffler	DOD
Janice Fain	DOD

**AGENDA**  
**HOUSE COMMITTEE ON EDUCATION**

**June 16, 2009**  
**11:00 A.M.**  
**Room 643 LOB**

**Representative Bell**  
*Presiding Chair*

**CALL TO ORDER**

**OPENING REMARKS**

***Bills to be consider:***

**HB 687 Tax Credits for Children with  
Disabilities.**

**Representative Stam  
Representative Wiley  
Representative Randleman**

**SB 1030 After-School Child Care  
Programs.**

**Senator Stevens**

**SB 1019 Establish NC Financial  
Literacy Council.**

**Senator Stein**

**ADJOURNMENT**



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**SB 1019**                      A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 1019  
Second Edition Engrossed 5/7/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1019-PCS55435-SF-39

Short Title: Establish NC Financial Literacy Council.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND  
EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL  
NORTH CAROLINIANS.

Whereas, the Skill Set Survey conducted through the Department of the State  
Treasurer found seventh graders failed in their knowledge of basic financial concepts; and

Whereas, the North Carolina Jump\$tart Coalition's semiannual survey of high  
schoolers found that North Carolina's young people understand less about financial concepts  
and the functioning of the economy than was the case two years previously; and

Whereas, nearly three million households in North Carolina do not have  
relationships with mainstream financial institutions that provide opportunities to save and  
access other financial services; and

Whereas, more than one-fourth of all North Carolina households with children do  
not have enough money saved to weather a loss of earned income for three months; Now,  
therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 114 of the General Statutes is amended by adding a new  
Article to read:

"Article 8.

"Financial Literacy Council.

**"§ 114-50. Financial Literacy Council established; purpose.**

There is established within the Department of Justice the North Carolina Financial Literacy  
Council (Council). The Council shall monitor and assist the Department of Public Instruction in  
the coordination of statewide delivery of financial education within the public school system,  
shall identify programs designed to increase the financial literacy of North Carolinians outside  
the public school system; and shall work to expand access to financial education resources and  
programs in communities across North Carolina.

**"§ 114-51. Membership; terms; quorum.**

(a) The Council shall consist of 18 members appointed by and serving at the pleasure of  
the Governor. The Governor shall designate a chair from among the members of the Council.  
Membership shall be as follows:

(1) Ten members from government agencies with responsibility for programs  
and services related to financial education, financial services, and related



\* S 1 0 1 9 - P C S 5 5 4 3 5 - S F - 3 9 \*

economic stability efforts. At least one representative shall come from each of the following government agencies:

- a. Community College System.
- b. Department of Commerce.
- c. Department of Justice.
- d. Department of Labor.
- e. Department of Public Instruction.
- f. Department of the Secretary of State.
- g. Department of State Treasurer.
- h. Office of the Commissioner of Banks.
- i. The University of North Carolina.

(2) Two public members with experience in the financial services industry.

(3) Two public members who represent employers with experience in providing financial education to their employees.

(4) Four public members with experience in consumer advocacy or nonprofit financial education.

(b) Members of the Council shall be appointed for terms of three years and shall serve until their successors are appointed and qualified.

(c) A majority of the Council's members shall constitute a quorum.

**"§ 114-52. Staffing.**

The Department of Justice shall provide administrative and staff support to the Council.

**"§ 114-53. Duties.**

The Council shall meet at least quarterly and shall perform the following duties:

(1) Study and document current financial education programs in North Carolina and best practices across the country.

(2) Coordinate activities related to financial education and asset building that occur within various government agencies, private enterprise, and the nonprofit sector to ensure dissemination of resources and information to households across the State.

(3) Propose public and private policy, organizational changes, and systemic changes to ensure all North Carolinians have access to training about necessary financial skills and experience with financial services.

(4) Consider and make recommendations specifically to address the following issues:

a. Current personal financial literacy programs in the public schools and how to integrate financial education in K-12 to ensure that young people are prepared for financial success.

b. Unique financial issues facing students in higher education and how to address those issues through the community colleges and public and private university systems.

c. Creation of and access to financial products that provide hands-on learning of financial skills.

(5) Monitor the outcomes of financial education programs, focusing specifically on the following indicators: improved financial knowledge, improved financial behaviors, and increased access to and use of affordable financial services.

(6) Use the talents, expertise, and resources within the State, especially those of the public schools, community colleges, and public and private university systems, as well as the bank and credit union industries, to further its mission.

(7) Report annually to the General Assembly and the Governor on the performance of its prescribed duties and on the impact of the financial education activities conducted by State agencies.

**"§ 114-54. Compensation and expenses of members.**

Public members of the Financial Literacy Council may receive subsistence and travel expenses at the rates set forth in G.S. 138-5 or G.S. 138-6, as appropriate.

**"§ 114-55. State officers, etc., upon request, to furnish data and information to the Council.**

Except as provided in G.S. 105-259, all officers, agents, agencies, and departments of the State are required to give to the Council, upon request, all information and all data that are within their possession or ascertainable from their records and that are pertinent to financial education activities."

**SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 1019  
Second Edition Engrossed 5/7/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1019-CSSF-39 [v.2]

6/8/2009 2:54:48 PM

Short Title: Establish NC Financial Literacy Council.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND  
EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL  
NORTH CAROLINIANS.

Whereas, The Skill Set Survey conducted through the Office of the State Treasurer  
found seventh graders failed in their knowledge of basic financial concepts; and

Whereas, the North Carolina JumpStart Coalition's biannual survey of high  
schoolers found that North Carolina's young people understand less about financial concepts  
and the functioning of the economy than was the case two years previously; and

Whereas, nearly three million households in North Carolina do not have  
relationships with mainstream financial institutions that provide opportunities to save and  
access other financial services; and

Whereas, more than a quarter of all North Carolina households with children do not  
have enough money saved to weather a loss of earned income for three months; Now,  
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The General Assembly of North Carolina enacts:

SECTION 1. Chapter 114 of the General Statutes is amended by adding a new  
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"§ 114-50. Financial Literacy Council established; purpose.

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Council (Council). The Council shall monitor and assist the Department of Public Instruction in  
the coordination of statewide delivery of financial education within the public school system,  
shall identify programs designed to increase the financial literacy of North Carolinians outside  
the public school system, and shall work to expand access to financial education resources and  
programs in communities across North Carolina.

"§ 114-51. Membership; terms; quorum.

(a) The Council shall consist of 18 members appointed by and serving at the pleasure of  
the Governor. The Governor shall designate a chair from among the members of the Council.  
Membership shall be as follows:

(1) Ten members from government agencies with responsibility for programs  
and services related to financial education, financial services, and related



\* S 1 0 1 9 - C S S F - 3 9 - V - 2 \*

economic stability efforts. At least one representative shall come from each of the following government agencies:

- a. Community College System.
- b. Department of Commerce.
- c. Department of Justice.
- d. Department of Labor.
- e. Department of Public Instruction.
- f. Department of the Secretary of State.
- g. Department of the State Treasurer.
- h. Office of the Commissioner of Banks.
- i. The University of North Carolina.

(2) Two public members with experience in the financial services industry.

(3) Two public members who represent employers with experience in providing financial education to their employees.

(4) Four public members with experience in consumer advocacy or nonprofit financial education.

(b) Members of the Council shall be appointed for terms of three years and shall serve until their successors are appointed and qualified.

(c) A majority of the Council's members shall constitute a quorum.

**"§ 114-52. Staffing.**

The Department of Justice shall provide administrative and staff support to the Council.

**"§ 114-53. Duties.**

The Council shall meet at least quarterly and shall perform the following duties:

(1) Study and document current financial education programs in North Carolina and best practices across the country.

(2) Coordinate activities related to financial education and asset building that occur within various government agencies, private enterprise, and the nonprofit sector to ensure dissemination of resources and information to households across the State.

(3) Propose public and private policy, organizational changes, and systemic changes to ensure all North Carolinians have access to training about necessary financial skills and experience with financial services.

(4) Consider and make recommendations specifically to address the following issues:

a. Current personal financial literacy programs in the public schools and how to integrate financial education in K-12 to ensure that young people are prepared for financial success.

b. Unique financial issues facing students in higher education and how to address those issues through the community colleges and public and private university systems.

c. Creation of and access to financial products that provide hands-on learning of financial skills.

(5) Monitor the outcomes of financial education programs, focusing specifically on the following indicators: improved financial knowledge, improved financial behaviors, and increased access to and use of affordable financial services.

(6) Use the talents, expertise, and resources within the State, especially those of the public schools, community colleges, and public and private university systems, as well as the bank and credit union industries, to further its mission.

(7) Report annually to the General Assembly and the Governor on the performance of its prescribed duties and on the impact of the financial education activities conducted by State agencies.

**"§ 114-54. Compensation and expenses of members.**

Public members of the Financial Literacy Council may receive subsistence and travel expenses at the rates set forth in G.S. 138-5 or G.S. 138-6, as appropriate.

**"§ 114-55. State officers, etc., upon request, to furnish data and information to the Council.**

Except as provided in G.S. 105-259, all officers, agents, agencies, and departments of the State are required to give to the Council, upon request, all information and all data that are within their possession or ascertainable from their records and that are pertinent to financial education activities."

**SECTION 2.** This act is effective when it becomes law.



## SENATE BILL 1019: Establish NC Financial Literacy Council

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 9, 2009
<b>Introduced by:</b>	Sen. Stein	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to Second Edition S1019-CSSF-39		Legislative Analyst

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**SUMMARY:** *Senate Bill 1019 would create a Financial Literacy Council in the Department of Justice to (i) monitor and assist the Department of Public Instruction in coordinating statewide delivery of financial education in the public schools, (ii) identify programs designed to increase the financial literacy of all North Carolinians, and (iii) expand access to financial education resources and programs across the State.*

*The Proposed Committee Substitute (PCS) would make technical changes and add statutory references for expenses of Council members.*

*The PCS to Senate Bill 1019 has a serial referral to Appropriations.*

### **BILL ANALYSIS:**

Senate Bill 1019 would create the North Carolina Financial Literacy Council (Council) in the Department of Justice. The Governor would appoint 18 members to the Council for 3-year terms. Ten of the Council members would be from government agencies that are responsible for programs and services related to financial education, financial services, and economic stability efforts. A total of 8 public members would serve on the Council: two public members with experience in the financial services industry, two public members who represent employers with experience in providing financial education to their employees, and four public members with experience in consumer advocacy or nonprofit financial education. The Department of Justice would provide administrative and staff support to the Council.

The Council would meet at least quarterly and would have the following duties:

- Study current financial education programs in the State and best practices across the nation.
- Coordinate activities relating to financial education and asset building within government agencies, private enterprise, and the nonprofit sector to ensure dissemination of information and resources across the State.
- Propose policy, organizational and systemic changes to ensure access to financial skills training for all citizens.
- Consider specifically personal financial literacy programs in the public schools, the unique financial issues facing students at community colleges and universities, and the creation of and access to financial products that provide hands-on learning of financial skills.
- Monitor outcomes of financial education programs and make an annual report to the Governor and the General Assembly on State agency activities and their impact.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.



# Senate Bill 1019

Page 2

## **CURRENT LAW:**

G.S. 115C-81(i) requires that the North Carolina standard course of study includes instruction in personal financial literacy for all high school students. The State Board of Education must determine the components of personal financial literacy that will be covered in the curriculum and also review the high school standard course of study to determine in which course the new personal financial literacy curriculum can be integrated.

S.L. 2005-276 allowed the State Board to have up to two years to develop the personal financial literacy curriculum and integrate the curriculum into the standard course of study. The State Board also was directed to include instruction on personal financial literacy in a pilot virtual high school during the 2005-06 and 2006-07 school years. The instruction was to be in the areas of consumer financial education, personal finance, and personal credit.

## **BACKGROUND:**

DPI determined that instruction in personal financial literacy is not only the responsibility of high school teachers but should be taught beginning in kindergarten. Therefore, personal financial literacy is found in all K-12 economic strands in social studies. In high school, the Civics and Economics course includes modules of instruction in credit, savings, investing and checking.

April is recognized across the United States as National Financial Literacy Month. Governor Perdue has proclaimed April 2009 as Financial Literacy Month for North Carolina and April 15, 2009, as Personal Financial Literacy Day.

*Sara Kamprath, Legislative Analyst, substantially contributed to this summary.*

*SI019-SMSF-76(CSSF-39) v3  
Research Division*

*O. Walker Reagan, Director*

*(919) 733-2578*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 1019  
Second Edition Engrossed 5/7/09

Short Title:    Establish NC Financial Literacy Council. (Public)

Sponsors:    Senators Stein; Brunstetter, Apodaca, Berger of Franklin, Davis, Dorsett,  
                 Garrou, Graham, Kinnaid, Nesbitt, Queen, Stevens, Swindell, and Tillman.

Referred to:   Education/Higher Education.

March 26, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND  
EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL  
NORTH CAROLINIANS.

Whereas, The Skill Set Survey conducted through the Office of the State Treasurer found seventh graders failed in their knowledge of basic financial concepts; and

Whereas, the North Carolina JumpStart Coalition's biannual survey of high schoolers found that North Carolina's young people understand less about financial concepts and the functioning of the economy than was the case two years previously; and

Whereas, nearly three million households in North Carolina do not have relationships with mainstream financial institutions that provide opportunities to save and access other financial services; and

Whereas, more than a quarter of all North Carolina households with children do not have enough money saved to weather a loss of earned income for three months; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 114 of the General Statutes is amended by adding a new Article to read:

"Article 8.

"Financial Literacy Council.

**"§ 114-50. Financial Literacy Council established.**

There is established within the Department of Justice the North Carolina Financial Literacy Council (Council). The Council shall monitor and assist the Department of Public Instruction in the coordination of statewide delivery of financial education within the public school system, shall identify programs designed to increase the financial literacy of North Carolinians outside the public school system, and shall work to expand access to financial education resources and programs in communities across North Carolina.

**"§ 114-51. Membership; terms; quorum.**

(a) The Council shall consist of 18 members appointed by and serving at the pleasure of the Governor. The Governor shall designate a chair from among the members of the Council. Membership shall be as follows:

(1) Ten members from government agencies with responsibility for programming and services related to financial education, financial services, and related economic stability efforts. At least one representative shall come from each of the following government agencies:



- a. Community College System.
  - b. Department of Commerce.
  - c. Department of Justice.
  - d. Department of Labor.
  - e. Department of Public Instruction.
  - f. Department of the Secretary of State.
  - g. Department of the State Treasurer.
  - h. Office of the Commissioner of Banks.
  - i. The University of North Carolina.
- (2) Two public members with experience in the financial services industry.
  - (3) Two public members who represent employers with experience in providing financial education to their employees.
  - (4) Four public members with experience in consumer advocacy or nonprofit financial education.
- (b) Members of the Council shall be appointed for terms of three years. Members shall serve until their successors are appointed and qualified.
- (c) A majority of the Council's members shall constitute a quorum.
- "§ 114-52. Department of Justice to support.**
- The Department of Justice shall provide administrative and staff support to the Council.
- "§ 114-53. Frequency of meetings.**
- The Council shall meet at least quarterly.
- "§ 114-54. Duties.**
- The Council shall conduct the following activities:
- (1) Study and document current financial education programs in North Carolina and best practices across the country.
  - (2) Coordinate activities related to financial education and asset building that occur within various government agencies, private enterprise, and the nonprofit sector to ensure dissemination of resources and information to households across the State.
  - (3) Propose public and private policy, organizational changes, and systemic changes to ensure all North Carolinians have access to training about necessary financial skills and experience with financial services.
  - (4) Consider and make recommendations specifically to address the following issues:
    - a. Current personal financial literacy programming in the public schools and how to integrate financial education in K-12 to ensure that young people are prepared for financial success.
    - b. Unique financial issues facing students in higher education through the community college and public university systems.
    - c. Creation and access to financial products that provide hands-on learning of financial skills.
  - (5) Monitor the outcomes of financial education programs, focusing specifically on the following indicators: improved financial knowledge, improved financial behaviors, and increased access to and use of affordable financial services.
  - (6) Use the talents, expertise, and resources within the State, especially those of the public schools, community colleges, and State university system, as well as the bank and credit union industries, in furtherance of its mission.
  - (7) Report to the General Assembly and the Governor annually on the performance of its prescribed duties and on the financial education activities conducted by State agencies and their impact.

1 "§ 114-55. State officers, etc., upon request, to furnish data and information to the  
2 Council.

3 Except as provided in G.S. 105-259, all officers, agents, agencies, and departments of the  
4 State are required to give to the Council, upon request, all information and all data that are  
5 within their possession or ascertainable from their records and that are pertinent to financial  
6 education activities."

7 **SECTION 2.** This act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ House Committee Substitute # 1 for

**SB 1030**

A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING  
OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE  
PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION  
CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND  
GROUP LEADERS.

☒ With a favorable report as to House committee substitute bill 2, unfavorable as to House committee substitute bill 1.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

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D

SENATE BILL 1030

Education/Higher Education Committee Substitute Adopted 5/6/09

House Committee Substitute Favorable 5/26/09

PROPOSED HOUSE COMMITTEE SUBSTITUTE S1030-PCS55434-SH-52

Short Title: After-School Child Care Programs.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS  
RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING  
PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL  
CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Division of Child Development of the Department of Health and Human Services shall establish and implement a policy that defines any building which is currently approved for school occupancy and which houses a public or private elementary school to include the playgrounds and athletic fields as part of the school building when that building is used to serve school-age children in after-school child care programs. Playgrounds and athletic fields referenced in this section that do not meet licensure standards promulgated by the North Carolina Child Care Commission shall be noted on the program's licensure and rating information.

**SECTION 2.** The Division of Child Development shall establish procedures for approving education criteria for after-school child care program coordinators and group leaders. The procedures shall consider general education coursework, including sociology, psychology, and teacher education courses, as eligibility requirements that may enhance the star rating of a child care facility.

**SECTION 3.** This act is effective when it becomes law.



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**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

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**SENATE BILL 1030  
Education/Higher Education Committee Substitute Adopted 5/6/09  
House Committee Substitute Favorable 5/26/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1030-CSSH-52 [v.3]**

6/8/2009 3:48:08 PM

Short Title: After-School Child Care Programs.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS  
RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING  
PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL  
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**SECTION 3.** This act is effective when it becomes law.



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## SENATE BILL 1030: After-School Child Care Programs

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Stevens  
**Analysis of:** PCS to Third Edition  
S1030-CSSH-52

**Date:** June 9, 2009  
**Prepared by:** Kara McCraw\*  
Committee Counsel

**SUMMARY:** *Senate Bill 1030 requires the Division of Child Development, DHHS, to establish and implement a policy that includes playgrounds and athletic fields in the definition of a building that is used to serve school-age children in after-school child care programs, and to establish procedures for approving education criteria for after-school child care program coordinators and group leaders.*

*The PCS for SB 1030 removes language requiring that playgrounds and athletic fields not meeting current star rating standards be exempt from evaluations of those locations under the star rating system and that information be noted on the information available regarding the program's rating. The PCS would instead require that playgrounds and athletic fields that do not meet licensure standards promulgated by the North Carolina Child Care Commission be noted on the program's licensure and rating information.*

**BILL ANALYSIS:** Section 1 of Senate Bill 1030 directs the Division of Child Development of the Department of Health and Human Services to establish a policy to define any building that is currently approved for school occupancy and which houses a public or private elementary school to include the playgrounds and athletic fields as part of the school building when that building is used to serve school-age children in after-school child care programs. The PCS would require that those playgrounds and athletic fields which do not meet the North Carolina Child Care Commission licensure standards be noted on the program's licensure and rating information.

Section 2 of the bill requires the Division of Child Development to establish procedures for approving education criteria for after-school child care program coordinators and group leaders. The procedures must consider general education coursework, including sociology, psychology, and teacher education courses as eligibility requirements that may enhance the star rating of a child care facility.

**EFFECTIVE DATE:** Senate Bill 1030 would become effective when it becomes law.

**BACKGROUND:** With regard to the procedures for education criteria in Section 2 of the bill, the Division of Child Development provided that after school programs are not required to be licensed unless they serve children receiving a child care subsidy.

A licensed after school program sponsored by a public school, receiving subsidy payments, and complying with all applicable licensing requirements would receive at least a one star license. A school may voluntarily choose to apply for and achieve a two through five star rated license. The star rating is based on education and experience of staff and on program standards.

The Division also reports that currently the, "minimum requirements for a program coordinator are the completion of [four] 4 semester hours within 24 months of being hired. The four [4] hours are not specific classes but 2 hours must be related to child and youth development, and the other 2 hours must be related to school age programming. They must also be at least 18 and have a high school diploma." An after school program that has applied for a 2 to 5 star license has additional requirements that are assessed using a seven point scale. The requirements and associated point-value vary from a program coordinator that has only experience working with school age children and no semester hours of education, up to a program coordinator that has completed coursework and has experience working with children. The Division reports that there are multiple options for achieving points to acknowledge the variety of types of people that are hired to work in after school programs.

*This bill summary was substantially contributed to by Dr. Shirley Iorio and Theresa Matula, Legislative Analysts.*

S1030-SMTC-102(CSSH-52) v1



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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3

**SENATE BILL 1030**

**Education/Higher Education Committee Substitute Adopted 5/6/09  
House Committee Substitute Favorable 5/26/09**

Short Title: After-School Child Care Programs.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS  
RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING  
PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL  
CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Division of Child Development of the Department of Health and Human Services shall establish and implement a policy that defines any building which is currently approved for school occupancy and which houses a public or private elementary school to include the playgrounds and athletic fields as part of the school building when that building is used to serve school-age children in after-school child care programs. Playgrounds and athletic fields included in this section and not meeting the current star rating standards shall be exempt from evaluation of playgrounds and athletic fields under the star rating system, and this shall be noted on the information available regarding the program's rating.

**SECTION 2.** The Division of Child Development shall establish procedures for approving education criteria for after-school child care program coordinators and group leaders. The procedures shall consider general education coursework, including sociology, psychology, and teacher education courses, as eligibility requirements that may enhance the star rating of a child care facility.

**SECTION 3.** This act is effective when it becomes law.



# **EDUCATION COMMITTEE**

June 16, 2009

## **HOUSE PAGES**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>MEREDITH DINKINS</b>	<b>DAVIE</b>	<b>REP. HOWARD</b>
<b>TISHA FUNDERBURK</b>	<b>DAVIE</b>	<b>REP. HOWARD</b>
<b>WILLIAM EDWARDS</b>	<b>COLUMBUS</b>	<b>REP. HILL</b>
<b>KAYLA FOWLER</b>	<b>SURRY</b>	<b>SPK. HACKNEY</b>

## **GOVERNOR'S PAGES**

<b>SIMONE BONEY</b>	<b>FUQUAY VARINA, NC</b>
<b>WHITNEY WILLIAMSON</b>	<b>CANDLER, NC</b>
<b>GEORNESHA HARRIS</b>	<b>SPRING HOPE, NC</b>

## **SGT-AT-ARMS**

<b>JOHN BRANDON</b>	<b>MARVIN LEE</b>
<b>TREY RALEY</b>	<b>JUDY TURNER</b>
<b>MARTHA PARRISH</b>	

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, June 23, 2009**

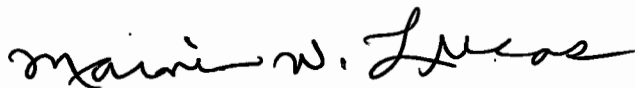
**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced our two newest members, Representative Frank Iler and Representative Rosa Gill. He also introduced the House pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets), staff, and a group of pages from the Governor's office.**

**SB 962 Probationary Teacher Appeals – Senator Nesbitt was called on to explain the bill. Representative Bell moves the PCS is properly before the Committee. Representative Fisher moves for a favorable report to the House committee substitute, unfavorable to the original and that the House committee substitute be re-referred to Judiciary I. The Committee concurred and the House committee substitute bill passes.**

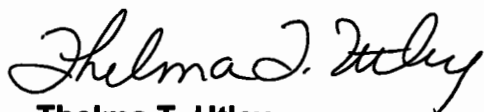
**HB 687 Tax Credits for Children with Disabilities – Persons wishing to make comment were given the opportunity to sign up. The pros and cons will be given two minutes to speak, alternately. Representatives Stam and Wiley were called on to explain the bill. Comments were made by Mr. Kristopher Nordstrom, Fiscal Research; Ms. Brittany Ferrell, NC Family Policy Council; members, Ms. Sherri Strickland, Ms. Mary Watson, Ms. Leanne Winner, and Ms. Kathryn Joyce. Representative Stam moves for a favorable report and to be re-referred to Finance. All in favor please raise your right hand. All oppose raise your right hand. The count is 21/26. The bill does not pass.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas**  
**Chair**



**Thelma T. Utley**  
**Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 23, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 687	Tax Credits for Children with Disabilities.	Representative Stam Representative Wiley Representative Randleman
SB 962	Probationary Teacher Appeals.	Senator Nesbitt, Jr.

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9 o'clock on **June 18, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

## VISITOR REGISTRATION SHEET

EDUCATION

June 23, 2009

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jessica Fisher	Governor's Page
Bea Breeden	Governor's Page
Sara Harling	Governor's Page
Nolan Carper	" "
Alicia Davis	MWC
Man Fitz-Wynn	NCHÉ
Julia Leggett	ARCNC
Jennifer Mathen	MHANC
Ira B. Wolfe	DPI
Laura Snyder	DPI
Mary Watson	DPI

# VISITOR REGISTRATION SHEET

EDUCATION

June 23, 2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Leanne W. Wynn	NC SBA
Chet Barefoot	Rep. Sten
Raige Fitzgerald	Rep. Folwell
Jim Mappin	CMS
Carol Vandenberg	PENC
Shirley Hargis	WCPSS
Ch. H.	NCCAT
Mary McDuffie	NCCAT
Katherine Joyce	NCASIA
Emily Doyle	NCPAPA
Kendall Jordan	NC Public School Forum

# VISITOR REGISTRATION SHEET

EDUCATION

June 23, 2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Roz Sawitt	NC CCC
Lheed Thuan	NEPAPR
Gen Casale	NORAD
Brittany Farrell	NETC
Keith Weatherly	Ap. Stam
Linda Bender	NCAE
Jim Stegall	U.C.P.S.
Jamie Fink	KAC
Emilio Hernandez	PENC; CASOLC
Jim Blackburn	Association of County Commissioners
Vann Rogerson	NC Northeast Commission

# VISITOR REGISTRATION SHEET

EDUCATION

June 23, 2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Noel Howard	Visitor- 303 Rutherford Drive Cary, NC 27511
Alyssa Jackson	visitor 1525 Crickett Rd. Raleigh, NC 27610
TRACI BROWN	visitor PEFNC 4900 Falls of Neuse, Ste. 155 Raleigh, NC 27609
Christin Danchi	Rep. Stam's office
Lynette Zue	NCAEA
Marge Fromman	NCAE
Julia Kusi	NCTA
Joe HAAS	NCCSA
John L	NOU
Roddy Haulin	Pager
Patrick Evarebo	pager
John Bowdich	Astrazene



## VISITOR REGISTRATION SHEET

EDUCATION

June 23, 2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Cameron James	Page
Andres Luch	Page
Wes Watson	Page
Logan Moore	Page
A. J.	Gov. Off., etc
Alper Miller	CPS
Becki Gray	Johns Locke Foundation
Sheria Reid	IOG
Sheri Strickland	NCAE
Brian Lewis	NCAE
Cecilia Baniw	NCAE

## VISITOR REGISTRATION SHEET

EDUCATION

June 23, 2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Sarah Preston

ACLU-NC

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, June 23, 2009**  
**11:00 am**  
**643 LOB**  
**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

**SB 962 Probationary Teacher  
Appeals.**

**Senator Nesbitt, Jr.**

**HB 687 Tax Credits for Children  
with Disabilities.**

**Representative Stam  
Representative Wiley  
Representative  
Randleman**

**Adjournment**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ Committee Substitute for

**SB 962** A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS  
APPLICABLE TO PROBATIONARY TEACHERS.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on JUDICIARY I.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 962

Education/Higher Education Committee Substitute Adopted 5/13/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S962-CSTC-48 [v.2]

6/22/2009 4:15:13 PM

Short Title: Probationary Teacher Appeals.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY  
TEACHERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-325 reads as rewritten:

"§ 115C-325. System of employment for public school teachers.

...

(c) (1) Election of a Teacher to Career Status. – Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The teacher has a right to notice and hearing prior to the board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4). The board shall give the teacher written notice of that decision by ~~June 15~~ June 15 or such later date as provided in G.S. 115C-325(m)(7). If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:

- a. ~~It shall not reemploy the teacher for a fifth consecutive year;~~
- b. ~~As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and~~
- c. ~~The status, the~~ teacher shall be entitled to an additional month's pay for every 30 days or portion thereof after June 16 ~~that the board fails to vote upon the issue of granting career status, or such later date as provided in G.S. 115C-325(m)(7) if a majority of the board belatedly votes against granting career status.~~

(2) Employment of a Career Teacher. – A teacher who has obtained career status in any North Carolina public school system need not serve another



\* 5 9 6 2 - C S T C - 4 8 - V - 2 \*

probationary period of more than one year. The board may grant career status immediately upon employing the teacher, or after the first year of employment. The teacher has a right to notice and hearing prior to the board's vote as provided in G.S. 115C-325(m)(3) and G.S. 115C-325(m)(4). The board shall give the teacher written notice of that decision by June 15 or such later date as provided in G.S. 115C-325(m)(7). If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after one year of employment, the board fails to vote on the issue of granting career status:

- a. ~~It shall not reemploy the teacher for a second consecutive year;~~
- b. ~~As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and~~
- c. ~~The status, the teacher shall be entitled to one additional month's pay for every 30 days or portion thereof beyond June 16 that the board fails to vote upon the issue of granting career status or such later date as provided in G.S. 115C-325(m)(7) if a majority of the board belatedly voted against granting career status.~~

...

(m) Probationary Teacher.

- (1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.
- (2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.
- (3) The superintendent shall provide written notice to a probationary teacher no later than May 15 of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to (i) request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal; and (ii) request a hearing for those teachers eligible for a hearing under G.S. 115C-325(m)(4). The failure to file a timely request within the 10 days shall result in a waiver of the right to this information and any right to a hearing. If a teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board making a decision or holding a hearing as provided in this section. The board shall adopt a policy to provide for the orderly exchange of information prior to the board's decision on the superintendent's recommendation for nonrenewal.
- (4) If the probationary teacher is eligible for career status pursuant to G.S. 115C-325(c)(1) and (2) and the superintendent recommends not to give the probationary teacher career status, the probationary teacher has the right to a hearing before the board unless the reason is a justifiable board- or

superintendent-approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.

(5) For probationary contracts that are not in the final year before the probationary teacher is eligible for career status, the probationary teacher shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the probationary teacher making the petition of its decision whether to grant a hearing.

(6) Any hearing held according to this subsection shall be pursuant to the provisions of G.S. 115C-45(c).

(7) The board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the superintendent and teacher.

(8) All final board decisions to nonrenew a probationary teacher shall be subject to judicial review pursuant to Article 4 of Chapter 150B of the General Statutes.

...

(o) ~~Resignation; Nonrenewal of Contract.~~Resignation. – A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's certificate for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file.

~~A probationary teacher whose contract will not be renewed for the next school year shall be notified of this fact by June 15.~~

...."

**SECTION 2.** This act is effective when it becomes law. G.S. 115C-325(m)(4), as enacted by Section 1 of this act, applies to proceedings initiated after August 31, 2010. The remainder of this act applies to proceedings initiated after August 31, 2009.



## SENATE BILL 962: Probationary Teacher Appeals

2009-2010 General Assembly

**Committee:** House Education, if favorable, Judiciary I  
**Introduced by:** Sen. Nesbitt  
**Analysis of:** PCS to Second Edition  
S962-CSTC-48

**Date:** June 23, 2009  
**Prepared by:** Kara McCraw\*  
Committee Counsel

**SUMMARY:** *The 2<sup>nd</sup> Edition of SB 962 would provide all probationary teachers a right to request written notice of a superintendent's reasons for recommendation of nonrenewal, and provide the right to a hearing for probationary teachers eligible for career status.*

*The PCS would make identical changes to G.S. 115C-325(c)(2), providing for employment of teachers who have already obtained career status in North Carolina, as are made in G.S. 115C-325(c)(1), providing for the election of a teacher after the fourth year of teaching to career status. These changes include the right to a notice and hearing prior to the board's vote, right to notice of the decision by June 15, and right to pay for months past June 15 in which the board fails to vote on career status. The PCS would also correct a cross-reference in amended language in G.S. 115C-325(c)(1).*

[As introduced, this bill was identical to H1322, as introduced by Rep. Jeffus, which is currently in the Senate.]

**CURRENT LAW:** Probationary teachers are those teachers who have not yet attained career status (which generally requires four years of teaching in North Carolina). Probationary teachers may not be discharged during the school year except for the same reasons and by the same procedures that a career status teacher can be dismissed. This would be for performance issues and would provide for notice and hearing on the dismissal. However, upon recommendation of the superintendent, the local board of education may refuse to renew the contract of any probationary teacher for any cause as long as it is not arbitrary, capricious, discriminatory, personal, or political.

### **Rights of Probationary Teachers in Years 1, 2, and 3**

Various court decisions have held that local boards of education do not have to allow a probationary teacher a hearing for the question of non-renewal of a contract after the first, second, and third years of teaching.<sup>1</sup> In decisions not to renew, the records of the local board must disclose the basis for the board's action. If the decision to not renew is contrary to the superintendent's recommendation to renew, a proper rational needs to exist. A probationary teacher whose contract will not be renewed must be notified by June 15. G.S. 115C-325(n) provides that he or she has the right to appeal from the decision of the local board to superior court.

### **Election to Career Status and Rights in Year 4**

If a teacher has been employed in a North Carolina public school system for 4 consecutive years, near the end of the teacher's fourth year, the local board of education must vote on whether to give the teacher career status and give notice to the teacher by June 15. If a majority of the local board votes against granting the teacher career status, then the teacher may not teach beyond the current school year. If the local board fails to vote on granting career status, then all of the following apply:

- The local board cannot reemploy the teacher for a 5<sup>th</sup> year.
- As of June 16, the teacher is entitled to one month's pay for the failure to vote.
- The teacher is entitled to an additional month's pay for every 30 days after June 16 that the local board fails to vote upon the issue of granting career status.

**Rights of Career Teachers Upon Employment:** Teachers who have already obtained career status in North Carolina are not required to serve a probationary period of more than one year. Career status may be granted to the teacher by the local board immediately upon employment or after the first year of employment. If the majority of the board votes against career status, the teacher may not teach beyond the current term. If after one year the board fails to vote on the teacher's career status:

<sup>1</sup> Satterfield v. Edenton-Chowan Bd. of Educ., 530 F.2d 567 (4<sup>th</sup> Cir. 1975).  
Research Division O. Walker Reagan, Director



# Senate Bill 962

## Page 2

- The teacher may not be employed a 2<sup>nd</sup> year.
- As of June 16<sup>th</sup> the teacher is entitled to a month's pay for the board's failure to vote.
- The teacher is entitled to an additional month's pay for every 30 days after June 16<sup>th</sup> that the local board fails to vote upon the issue of granting career status.

**BILL ANALYSIS:** The 2<sup>nd</sup> Edition of Senate Bill 962 would amend G.S. 115C-325 with regards to probationary teachers as follows.

- **By May 15<sup>th</sup>**, a superintendent must provide a probationary teacher of the intent to recommend nonrenewal and the teacher's right to the following, if requested within 10 days:
  - 1) **Written Notice of Reasons for Recommendation:** The teacher may request written notice of the reasons for recommendation of nonrenewal, and the information the superintendent may share with the board to support the recommendation of nonrenewal, which must be supplied by the superintendent if timely required.
  - 2) **Hearing for Teachers Eligible for Career Status:** A probationary teacher eligible for career status may request a hearing. If timely requested and allowed, the superintendent must arrange the hearing. The teacher must be permitted to submit supplemental information to the superintendent and board prior to the hearing or the board's decision.
- Failure to file a timely request waives a probationary teacher's right to information and a hearing.
- The board must adopt policies to provide for the orderly exchange of information prior to the board's decision on nonrenewal.
- **Right to Hearing for Probationary Teachers Eligible for Career Status:** If a probationary teacher is eligible for career status, and the superintendent recommends against career status, the probationary teacher has the right to a hearing unless the reason is a justifiable board or superintendent approved decrease in positions due to district reorganization, decreased enrollment, or decreased funding.
- **Request for Hearing for Probationary Teachers Not Eligible for Career Status:** For probationary teachers not in the final year before career status, the probationary teacher has the right to petition the local board for a hearing on the superintendent's recommendation for nonrenewal. The local board of education must notify the probationary teacher of its decision on whether to grant the hearing.
- **Conduct of Hearings:** These hearings must be held pursuant to the provisions of G.S. 115C-45(c), providing for appeals to the board of education in administrative matters. Those appeals must be noticed and a record of the hearing entered into board hearings. The board of education may designate hearing panels of not less than two members of the board to hear appeals on behalf of the board.
- **By June 15<sup>th</sup>**, the board must notify the probationary teacher whose contract will not be renewed of its decision. If a teacher requests information or a hearing, the board must provide nonrenewal notification by July 1, or a later date with the written consent of the superintendent and teacher. If a board fails to vote on granting career status, the teacher is entitled to an additional month's pay for every 30 days or portion thereof after June 16, or the later dates triggered by an information request or hearing, if a majority of the board belatedly votes against granting career status. The PCS provides the same rights for career teachers employed in a new system who have completed their one probationary year.
- **Judicial Review:** Final board decisions of nonrenewal for probationary teachers are subject to judicial review following a final decision when all administrative remedies are exhausted.

**EFFECTIVE DATE:** The bill would become effective when it becomes law. G.S. 115C-325(m)(4), as enacted by Section 1, would apply to proceedings initiated after August 1, 2010. The remainder of the act would apply to proceedings initiated after August 31, 2009.

*\*This bill summary was substantially contributed to by Drupti Chauhan, Senate Education Committee Counsel.*

S962-SMTC-108(CSTC-48) v3

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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2

SENATE BILL 962  
Education/Higher Education Committee Substitute Adopted 5/13/09

Short Title: Probationary Teacher Appeals.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-325 reads as rewritten:

**"§ 115C-325. System of employment for public school teachers.**

- ...
- (c) (1) Election of a Teacher to Career Status. – Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The teacher has a right to notice and hearing prior to the board's vote as provided in G.S. 115C-325(m)(7). The board shall give the teacher written notice of that decision by ~~June 15~~ June 15 or such later date as provided in G.S. 115C-325(m)(7). If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:
- a. ~~It shall not reemploy the teacher for a fifth consecutive year;~~
- b. ~~As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and~~
- e. ~~The status, the~~ teacher shall be entitled to an additional month's pay for every 30 days or portion thereof after June 16 ~~that the board fails to vote upon the issue of granting career status, or such later date as provided in G.S. 115C-325(m)(7) if a majority of the board belatedly votes against granting career status.~~

...

(m) Probationary Teacher.

- (1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.



- (2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.
- (3) The superintendent shall provide written notice to a probationary teacher no later than May 15 of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to (i) request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal; and (ii) request a hearing for those teachers eligible for a hearing under G.S 115C-325(m)(4). The failure to file a timely request within the 10 days shall result in a waiver of the right to this information and any right to a hearing. If a teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board making a decision or holding a hearing as provided in this section. The board shall adopt a policy to provide for the orderly exchange of information prior to the board's decision on the superintendent's recommendation for nonrenewal.
- (4) If the probationary teacher is eligible for career status pursuant to G.S. 115C-325(c)(1) and (2) and the superintendent recommends not to give the probationary teacher career status, the probationary teacher has the right to a hearing before the board unless the reason is a justifiable board- or superintendent-approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.
- (5) For probationary contracts that are not in the final year before the probationary teacher is eligible for career status, the probationary teacher shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the probationary teacher making the petition of its decision whether to grant a hearing.
- (6) Any hearing held according to this subsection shall be pursuant to the provisions of G.S. 115C-45(c).
- (7) The board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the superintendent and teacher.
- (8) All final board decisions to nonrenew a probationary teacher shall be subject to judicial review pursuant to Article 4 of Chapter 150B of the General Statutes.

...  
(o) ~~Resignation; Nonrenewal of Contract.~~ Resignation. – A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's certificate for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file.

1     ~~A probationary teacher whose contract will not be renewed for the next school year shall be~~  
2     ~~notified of this fact by June 15.~~

3     ...."

4     **SECTION 2.** This act is effective when it becomes law. G.S. 115C-325(m)(4), as  
5     enacted by Section 1 of this act, applies to proceedings initiated after August 31, 2010. The  
6     remainder of this act applies to proceedings initiated after August 31, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

S

2

SENATE BILL 962

Education/Higher Education Committee Substitute Adopted 5/13/09

Short Title: Probationary Teacher Appeals.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-325 reads as rewritten:

**"§ 115C-325. System of employment for public school teachers.**

...  
(c) (1) Election of a Teacher to Career Status. – Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The teacher has a right to notice and hearing prior to the board's vote as provided in G.S. 115C-325(m)(7). The board shall give the teacher written notice of that decision by ~~June 15~~ June 15 or such later date as provided in G.S. 115C-325(m)(7). If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:

- a. ~~It shall not reemploy the teacher for a fifth consecutive year;~~
- b. ~~As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and~~
- e. The status, the teacher shall be entitled to an additional month's pay for every 30 days or portion thereof after June 16 that the board fails to vote upon the issue of granting career status, or such later date as provided in G.S. 115C-325(m)(7) if a majority of the board belatedly votes against granting career status.

...  
(m) Probationary Teacher.

- (1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career employee may be dismissed as set forth in subsections (e), (f), (f1), and (h) to (j3) above.



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- (2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.
- (3) The superintendent shall provide written notice to a probationary teacher no later than May 15 of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to (i) request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal; and (ii) request a hearing for those teachers eligible for a hearing under G.S 115C-325(m)(4). The failure to file a timely request within the 10 days shall result in a waiver of the right to this information and any right to a hearing. If a teacher files a timely request, the superintendent shall provide the requested information and arrange for a hearing, if allowed, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board making a decision or holding a hearing as provided in this section. The board shall adopt a policy to provide for the orderly exchange of information prior to the board's decision on the superintendent's recommendation for nonrenewal.
- (4) If the probationary teacher is eligible for career status pursuant to G.S. 115C-325(c)(1) and (2) and the superintendent recommends not to give the probationary teacher career status, the probationary teacher has the right to a hearing before the board unless the reason is a justifiable board- or superintendent-approved decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding.
- (5) For probationary contracts that are not in the final year before the probationary teacher is eligible for career status, the probationary teacher shall have the right to petition the local board of education for a hearing, and the local board may grant a hearing regarding the superintendent's recommendation for nonrenewal. The local board of education shall notify the probationary teacher making the petition of its decision whether to grant a hearing.
- (6) Any hearing held according to this subsection shall be pursuant to the provisions of G.S. 115C-45(c).
- (7) The board shall notify a probationary teacher whose contract will not be renewed for the next school year of its decision by June 15; provided, however, if a teacher submits a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or such later date upon the written consent of the superintendent and teacher.
- (8) All final board decisions to nonrenew a probationary teacher shall be subject to judicial review pursuant to Article 4 of Chapter 150B of the General Statutes.
- ...
- (o) ~~Resignation; Nonrenewal of Contract.~~ Resignation. – A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's certificate for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file.

1     ~~A probationary teacher whose contract will not be renewed for the next school year shall be~~  
2     ~~notified of this fact by June 15.~~

3     ~~...."~~

4     **SECTION 2.** This act is effective when it becomes law. G.S. 115C-325(m)(4), as  
5     enacted by Section 1 of this act, applies to proceedings initiated after August 31, 2010. The  
6     remainder of this act applies to proceedings initiated after August 31, 2009.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 687

Short Title: Tax Credits for Children with Disabilities. (Public)

Sponsors: Representatives Stam, Wiley, Randleman (Primary Sponsors); Avila, Blackwood, Boles, Brown, Burr, Burris-Floyd, Cleveland, Current, Daughtry, Folwell, Frye, Gillespie, Gulley, Holloway, Langdon, Lewis, McCormick, McGee, Mills, Moore, Neumann, Rhyne, Sager, Steen, Stevens, and Tillis.

Referred to: Education, if favorable, Finance.

March 23, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR PART OF THE EXPENSE OF AVOIDED PUBLIC EDUCATION FOR CHILDREN WITH DISABILITIES WHO REQUIRE SPECIAL EDUCATION AND RELATED SERVICES OUTSIDE THE REGULAR CLASSROOM AND WHO ARE ENROLLED IN AND ATTENDING NONPUBLIC SCHOOLS OR PUBLIC SCHOOLS AT WHICH TUITION IS CHARGED AND TO CREATE A FUND FOR SPECIAL EDUCATION AND RELATED SERVICES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 2 of Article 4 of Chapter 105 of the General Statutes is amended by adding a new section to read:

**"§ 105-151.33. Education expenses credit.**

(a) Credit. – A taxpayer is allowed a credit against the tax imposed by this Part for each of the taxpayer's eligible dependent children who is a resident of this State and who, for one or two semesters during the taxable year, is enrolled in and attending grades K through 12 in a nonpublic school or in a public school at which tuition is charged in accordance with G.S. 115C-366.1. As used in this section, the term 'eligible dependent child' means a child with a disability as defined by G.S. 115C-106.3(1) who has spent at least two semesters in a taxable year in a public school, who while enrolled in and attending a public school was determined to require an individualized education program as defined by G.S. 115C-106.3(8) that requires at least daily special education and related services received outside the regular classroom, and for whom the taxpayer is entitled to deduct a personal exemption under section 151(c) of the Code for the taxable year. For the initial eligibility for the tax credit, the eligible dependent child shall have been enrolled in and attended at least two semesters in a public school in the immediately preceding taxable year.

(b) Amount. – The credit is equal to the amount the taxpayer paid for tuition and special education and related services expenses, not to exceed three thousand dollars (\$3,000) per semester. For home schools, as defined in G.S. 115C-563(a), the credit is equal to the amount the taxpayer paid for special education and related services expenses, not to exceed three thousand dollars (\$3,000) per semester.

(c) Semesters. – For the purposes of this section, there are two semesters during each taxable year. The spring semester is the first six months of the taxable year, and the fall semester is the second six months of the taxable year. An eligible dependent child is enrolled in



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1 a school for a semester if the eligible dependent child is enrolled in and attending that school  
2 for more than 80 days during that semester.

3 (d) Disqualification. – A taxpayer may not qualify for a credit for any semester during  
4 which the taxpayer's eligible dependent child for whom the credit would otherwise be claimed  
5 met any of the following conditions:

6 (1) Spent any time enrolled as a full-time student taking at least 12 hours of  
7 academic credit in a postsecondary educational institution.

8 (2) Was 22 years or older during the entire semester.

9 (e) Reduction of Credit. – The amount of the credit is reduced for any semester in  
10 which the eligible dependent child spent any time enrolled in and attending a public school.  
11 The amount of the reduction is a percentage equal to the percentage of the semester that the  
12 eligible dependent child spent enrolled in and attending a public school.

13 (f) Information. – In order to claim the credit allowed by this section, the taxpayer must  
14 provide the following to the Secretary:

15 (1) The name, address, and social security number of each eligible dependent  
16 child for whom the credit is claimed and the name and address of the school  
17 or schools in which the eligible dependent child was enrolled in and attended  
18 for more than 80 days each semester.

19 (2) The taxpayer's certification that the eligible dependent child did not meet  
20 any of the disqualifying conditions set out in this section.

21 (3) The name of the local school administrative unit in which the eligible  
22 dependent child resides.

23 (4) The amount of tuition paid to a public school at which tuition is charged in  
24 accordance with G.S. 115C-366.1 for each semester the eligible dependent  
25 child for whom the credit is claimed was enrolled in and attended the school.

26 (5) The eligibility determination that the eligible dependent child is a child with  
27 a disability who requires special education and related services.

28 (6) A listing of the tuition and special education and related services expenses  
29 on which the amount of the credit is based.

30 (7) For home schools as defined in G.S. 115C-563(a), a listing of the special  
31 education and related services expenses on which the amount of the credit is  
32 based.

33 (g) Credit Refundable. – If the credit allowed by this section exceeds the amount of tax  
34 imposed by this Part for the taxable year reduced by the sum of all credits allowable, the  
35 Secretary must refund the excess to the taxpayer. The refundable excess is governed by the  
36 provisions governing a refund of an overpayment by the taxpayer of the tax imposed in this  
37 Part. In computing the amount of tax against which multiple credits are allowed, nonrefundable  
38 credits are subtracted before refundable credits.

39 (h) Transfer. – At the end of each fiscal year, the Secretary shall transfer to the Fund for  
40 Special Education and Related Services established under G.S. 115C-472.15 from the net  
41 individual income tax collections under G.S. 105-134.2 an amount equal to two thousand  
42 dollars (\$2,000) multiplied by the number of credits taken under this section during the fiscal  
43 year."

44 **SECTION 2.** Chapter 115C of the General Statutes is amended by adding a new  
45 Article to read:

46 "Article 32D.

47 "Fund for Special Education and Related Services.

48 "**§ 115C-472.15. Fund for Special Education and Related Services.**

49 (a) The Fund for Special Education and Related Services is established as a special  
50 revenue fund under the control and direction of the State Board of Education. Interest and other

1 investment income earned by the Fund accrue to it, and revenue in the Fund does not revert.  
2 The Fund consists of money credited to it under G.S. 105-151.33.

3 (b) The State Board of Education shall use the revenue in the Fund only for special  
4 educational and related services for children with disabilities."

5 **SECTION 3.** The Department of Revenue shall report to the Revenue Laws Study  
6 Committee and the Joint Legislative Education Oversight Committee on the administration of  
7 G.S. 105-151.33, as enacted by Section 1 of this act. The report is due by January 1, 2010, and  
8 shall include the following:

9 (1) The number and amount of credits taken under G.S. 105-151.33.

10 (2) Any concerns relating to the administration of G.S. 105-151.33 or taxpayer  
11 compliance with the requirements of that section.

12 (3) Any other matter with respect to G.S. 105-151.33 the Department wishes to  
13 address.

14 **SECTION 4.** This act is effective for taxable years beginning on or after January 1,  
15 2009, and applies to semesters beginning on or after July 1, 2009, except that transfers under  
16 G.S. 105-151.33(h) shall not be made before the 2010-2011 fiscal year. This act expires  
17 December 31, 2013.

# SPEAKERS AGAINST HB 687 SIGN IN SHEET

There will be 10 speakers, 5 on each side. Sign up will be closed after the first (10) names are approved. Individuals who do not have the opportunity to sign up may convey their sentiments to someone already scheduled to speak or they may caucus with those individuals. Groups that have similar concerns may use one speaker. Two minutes will be allowed for each speaker.

## PLEASE PRINT

1. Sheri Strickland, NCAE ✓
2. ~~Brittany~~ Farrell
3. Mary Watson, NCDPI
4. Leanne Winner, NCSBA
5. Katherine Joyce, NC Assoc. of School  
Administrators

Brittany Farrell N.C. Policy  
Council

## **FISCAL ANALYSIS MEMORANDUM**

[This confidential fiscal memorandum is a fiscal analysis of a draft bill, amendment, committee substitute, or conference committee report that has not been formally introduced or adopted on the chamber floor or in committee. **This is not an official fiscal note.** If upon introduction of the bill you determine that a formal fiscal note is needed, please make a fiscal note request to the Fiscal Research Division, and one will be provided under the rules of the House and the Senate.]

**DATE:** February 23, 2009

**TO:** Representative Stam

**FROM:** Kristopher Nordstrom  
Fiscal Research Division

**RE:** Tax Credits for CWD\_V2n1



**PAUL STAM**  
HOUSE REPUBLICAN LEADER  
N.C. HOUSE OF REPRESENTATIVES

613 LEGISLATIVE OFFICE BUILDING  
300 N. SALISBURY STREET  
RALEIGH, NC 27603-5925  
(919) 733-2962  
PAULS@NCLEG.NET

714 HUNTER STREET  
APEX, NC 27502  
(919) 362-4835

<b>FISCAL IMPACT (\$ in millions)</b>					
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2009-10</u></b>	<b><u>FY 2010-11</u></b>	<b><u>FY 2011-12</u></b>	<b><u>FY 2012-13</u></b>	<b><u>FY 2013-14</u></b>
<b><u>STATE IMPACT</u></b>					
Revenue (tax credits):	(\$1.7) to (\$8.3)	(\$3.4) to (\$16.8)	(\$3.4) to (\$17.1)	(\$3.5) to (\$17.3)	(\$3.5) to (\$17.5)
Operational Savings:	\$0	\$4.6 to \$22.9	\$4.7 to \$23.3	\$4.7 to \$23.6	\$4.8 to \$23.9
Net State Impact:	(\$1.7) to (\$8.3)	\$1.2 to \$6.1	\$1.2 to \$6.2	\$1.3 to \$6.3	\$1.3 to \$6.4
Trnsf. Out Gen Fund:	N/A	(\$1.1) to (\$5.6)	(\$1.1) to (\$5.7)	(\$1.2) to (\$5.8)	(\$1.2) to (\$5.8)
Trnsf. In Spec. Ed. Fund:	N/A	\$1.1 to \$5.6	\$1.1 to \$5.7	\$1.2 to \$5.8	\$1.2 to \$5.8
Net State Impact	N/A	\$0	\$0	\$0	\$0
<b><u>LEA IMPACT</u></b>					
Revenue:	N/A	N/A	N/A	N/A	N/A
Operational Savings:	N/A	\$1.1 to \$5.3	\$1.1 to \$5.4	\$1.1 to \$5.5	\$1.1 to \$5.6
Net LEA Impact:	N/A	\$1.1 to \$5.3	\$1.1 to \$5.4	\$1.1 to \$5.5	\$1.1 to \$5.6
<b>POSITIONS</b> (cumulative):	N/A	N/A	N/A	N/A	N/A
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> North Carolina Department of Revenue, North Carolina Department of Public Instruction, Local Public Schools					
<b>EFFECTIVE DATE:</b> This bill is effective for taxable years beginning January 1, 2009, and applies to semesters beginning on or after July 1, 2009. This act expires December 31, 2013.					

**BILL SUMMARY:** The legislation creates a new tax credit for parents of children with special needs who choose to educate those children in a nonpublic school or in a public school at which tuition is charged per G.S. 155C-366.1. The credit amount is set at \$3,000 per semester, up to two semesters a year (a maximum of \$6,000 for a full academic or taxable year). The credit is refundable, and is capped at the associated tuition cost.

To qualify for the tax credit, the taxpayer must be able to deduct a personal exemption for an "eligible dependent child." An "eligible dependent child" is one who:

1. has been determined, based on an evaluation conducted by the appropriate public school system, to be a child with special needs who requires special instructional or therapeutic services outside of the regular classroom on at least at daily basis; and

2. was enrolled in and attended at least two semesters in a public school in the immediately preceding taxable year prior to first receiving the tax credit.

The legislation also amends G.S. 115-C to create the Fund for Special Education and Related Services ("the Fund"). The Fund will be a special revenue fund under the control of the State Board of Education. Revenue of the Fund will be used only for special educational and related services for children with disabilities. Revenue for the Fund will come from a transfer at the end of each fiscal year, beginning in fiscal year 2010-11, from income tax revenue, equal to the number of credits taken under this act multiplied by \$2,000.

## **ASSUMPTIONS AND METHODOLOGY:**

### **Overview**

The impact of the bill is dependent entirely on choices made by parents of children who have special educational needs meeting the criteria specified in the bill. As there is no data available regarding elasticity of demand for the specific educational circumstances for which the tax credit is granted, this analysis must make an effort to estimate, using available data, potential public behavior in the presence of the new law.

### **Eligible Students Transferring out of Public Schools**

This analysis assumes that 1% to 5% of eligible children will take advantage of the tax credit proposed by this bill. The only data from which some inferences might be drawn comes from Florida's McKay Scholarship Program for Students with Disabilities. This program, begun in 2000, gives parents a scholarship for any special needs student in the Florida public schools to shift out of the public system to a private school, or to transfer to a different public school. During the 2007-08 school year scholarship amounts averaged \$7,295.<sup>1</sup> Program data suggests that approximately 5% of eligible students participate in the program in 2007-08. While there are differences between the Florida program and the program proposed by this bill (level of support, application process, marketing, etc.), the Florida experience provides the best available insight into potential usage of the proposed North Carolina tax credit. Therefore, presents a range for participation of eligible students of 1% to 5%.

In April 2008, DPI identified 179,321 school-aged children as having special educational needs that warrant an individualized education program (IEP). DPI estimates that approximately 30% of students in public schools with IEPs require special instructional and/or therapeutic services outside the regular classroom at least daily. Applying this percentage to the 179,321 students with IEPs produces an estimated pool of 53,796 students that would potentially be eligible for the \$3,000 per semester tax credit.

While each transfer would decrease State revenue (in the form of the tax credit), it would also reduce State and local expenditures, as State and local school systems would no longer be financially responsible for educating the child for which the credit was granted.

---

<sup>1</sup> Actual scholarship amounts ranged, depending on the child's disability, from \$5,160 to \$21,769.

The estimated reduction in State expenditure per child using the tax credit is \$8,296, and the estimated reduction in local expenditures per child using the tax credit is \$1,934. The FY 2008-09 State average transfer of appropriation to charter schools of \$4,909 per child serves as a reasonable proxy for the total avoided annual State operational expenditure for a student who transfers out of a typical public school. The per child supplemental appropriation of \$3,387 for each child with special needs (for up to 12.5% of a school system's population) serves as a reasonable proxy for the additional State average expenditure for a child with special needs. A total of \$8,296 is therefore used as a proxy for the average operational "savings" to the State that results from a student with an IEP transferring (i.e., withdrawing) from the public schools. State average local expenditure per child for operational expenses is \$1,934.

Applying all of the above figures related to potential transfers from public schools produces the following estimate of potential annualized savings to State and local governments. Note that timing issues affect the first-year fiscal impact in two ways:

1. The maximum tax credit granted in April 2010 is \$3,000, reflecting those students moving out of public schools during the Fall 2009 semester.<sup>2</sup> In future years, the full tax credit of \$6,000 per year is used.
2. State and local governments do not realize savings from reduced expenditures until the 2010-11 school year. This delay is because allotted average daily membership (ADM) is based off of the higher of projected ADM or prior year actual ADM. Therefore, the reduced enrollment experienced in the 2009-10 school year will impact allotted ADM – and therefore State and local budgeting decisions – in the 2010-11 school year.

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<sup>2</sup> For simplicity's sake, this analysis assumes that all taxes are filed, and credits granted, in April.

### Estimated Fiscal Impact on State and LEAs

	2009-10***		2010-11		2011-12		2012-13		2013-14****	
Identified Children with IEPs*	184,377		186,958		189,575		192,229		194,920	
% of Children Meeting Elig. Reqs.	30%		30%		30%		30%		30%	
Eligible Student Pool	55,313		56,087		56,873		57,669		58,476	
Usage Percent	1%	5%	1%	5%	1%	5%	1%	5%	1%	5%
Tax Credits Granted	553	2,766	561	2,804	569	2,844	577	2,883	585	2,924
Cost of Tax Credits (lost State Rev.)	(\$1,659,000)	(\$8,298,000)	(\$3,366,000)	(\$16,824,000)	(\$3,414,000)	(\$17,064,000)	(\$3,462,000)	(\$17,298,000)	(\$3,510,000)	(\$17,544,000)
State Exp. Per Eligible Student	\$8,296	\$8,296	\$8,296	\$8,296	\$8,296	\$8,296	\$8,296	\$8,296	\$8,296	\$8,296
Reduced Public School Expenditures**	N/A	N/A	\$4,587,688	\$22,946,736	\$4,654,056	\$23,261,984	\$4,720,424	\$23,593,824	\$4,786,792	\$23,917,368
Net Fiscal Impact on State	(\$1,659,000)	(\$8,298,000)	\$1,221,688	\$6,122,736	\$1,240,056	\$6,197,984	\$1,258,424	\$6,295,824	\$1,276,792	\$6,373,368
LEA Exp. Per Eligible Student	\$1,934	\$1,934	\$1,934	\$1,934	\$1,934	\$1,934	\$1,934	\$1,934	\$1,934	\$1,934
Reduced LEA Expenditures**	N/A	N/A	\$1,069,502	\$5,349,444	\$1,084,974	\$5,422,936	\$1,100,446	\$5,500,296	\$1,115,918	\$5,575,722
Net Fiscal Impact on LEAs	\$0	\$0	\$1,069,502	\$5,349,444	\$1,084,974	\$5,422,936	\$1,100,446	\$5,500,296	\$1,115,918	\$5,575,722

\*Grows by 1.4% per year to reflect average growth in ADM

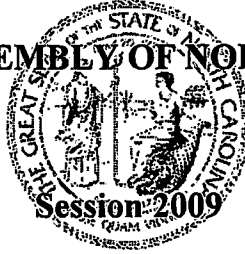
\*\*Because allotted ADM is based off of the higher of projected ADM or prior year actual ADM, savings from reduced expenditures are not realized until the 2010-11 school year.

\*\*\*Maximum tax credit in FY09-10 is \$3,000. Maximum tax credit in all future years is \$6,000.

\*\*\*\*This act expires December 31, 2013. It is assumed that children generating a tax credit in the Fall 2013 semester will remain out of assigned public school through the Spring 2014 semester.



# GENERAL ASSEMBLY OF NORTH CAROLINA



## **Fund for Special Education and Related Services**

There is no *net* fiscal impact associated with the creation of the Fund. This bill simply transfers monies into the Fund that would have otherwise ended up in the General Fund. Because both the Fund and the General Fund are State resources, there is no net fiscal impact.

## **TECHNICAL CONSIDERATIONS:**

There are many technical considerations that should be considered as this fiscal note is based on a number of assumptions. The fiscal impact presented here is an estimate, and any number of factors could move the fiscal impact up or down in a significant way.

## **Evaluations**

The bill requires that, in order to be eligible for the credit, a child be determined through evaluation by the public schools to need an IEP that requires special instructional and/or therapeutic services for the child outside the regular classroom on at least a daily basis. If one assumes that the tax credit created by the bill is a sufficient incentive for some number of parents of current public school students to seek evaluation in order to obtain eligibility for the tax credit, one must assume that the number of evaluations conducted by the public schools will increase. No data exists, however, on which to base an estimate of such additional evaluations. Given an average cost to the public schools of \$1,500 per evaluation, the cost of additional evaluations could be significant. This analysis does not account for this potential cost. To the extent that evaluations do increase substantially as a result of the bill, this analysis therefore understates costs and overstates net savings created by the bill.

## **Tuition Costs**

Not all private school tuitions are greater than \$6,000 per year. It is possible that there would be a number of tax credit recipients for whom the tuition and other educational and therapeutic expenses would be less than \$6,000 per year. If a substantial number of children will not receive the full tax credit, then this analysis understates the net savings created by this bill.

## **Gaming the System**

It is possible, but unlikely, that some parents of potentially eligible children who have never attended public schools would enroll their children in public schools for the required two semesters in order to then be able to avail themselves of the credit in a subsequent year. It seems unlikely, however, that a significant number of parents who have already made a decision not to send their children to public schools would make this choice, even in the face of potential financial gain. The analysis therefore assumes that any costs associated with this group of children will be negligible. To the extent that this assumption is incorrect, the analysis will understate total cost and overstate total savings created by the bill.

**SOURCES OF DATA:** North Carolina Department of Public Instruction (DPI), Florida's McKay Scholarship Program.



**North Carolina General Assembly: 2009-2010**



# **Tax Credits for Children with Special Needs**



**Benefits of Providing Parents with  
Choice**



**Prepared for House and Senate Members**

**Representative Paul Stam**





Understanding the  
Bill

Voters' positions  
on this issue

Support from all  
Backgrounds

Fiscal impact of  
tax credits

Allocation of  
educational funds

Fiscal impact of  
tax credits

Fiscal impact of  
tax credits

## Slide Order

Select a slide  
to view or  
click Next  
Slide to begin  
show

Next Slide

Comparable  
Programs

Programs in  
FL & AZ

Who would  
qualify?

Sample Form for  
Tax Credit

Beneficiary –  
Case Study #1

Beneficiary –  
Case Study #2

Beneficiary –  
Case Study #3



## Understanding the Bill

- The bill is the product of a bipartisan effort to provide parents of children with special needs the ability to choose which school is best for their child.
- The bill allows an individual income tax credit for part of the expense of each eligible child who is educated in a nonpublic school or in a public school that charges tuition. The education expenses credit is equal to the amount paid for tuition and other educational and therapeutic expenses, not to exceed \$3000 per semester.
- The bill expires December 31, 2013, allowing for a sunset and reevaluation.

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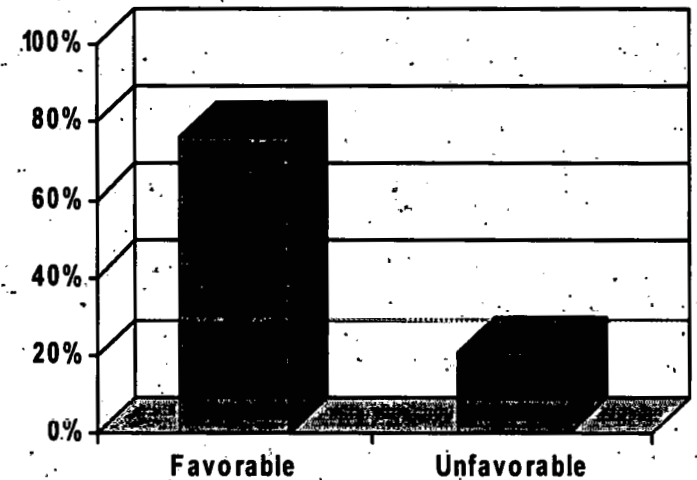


# Voters' positions on this issue

According to a Public Policy Polling May 2008 Statewide Poll, "Cutting across all demographics – gender, race and party lines –

**80% of North Carolinians polled are in favor of a bill allowing tuition tax credits for parents of special needs children."**

If a private school offered the best education available for a child with special needs, would you favor allowing parents to claim a tax credit to send their child to that private school?



Very Favorable	Somewhat Favorable	Somewhat Unfavorable	Very Unfavorable	Neutral/ Unsure
49%	27%	13%	8%	2%

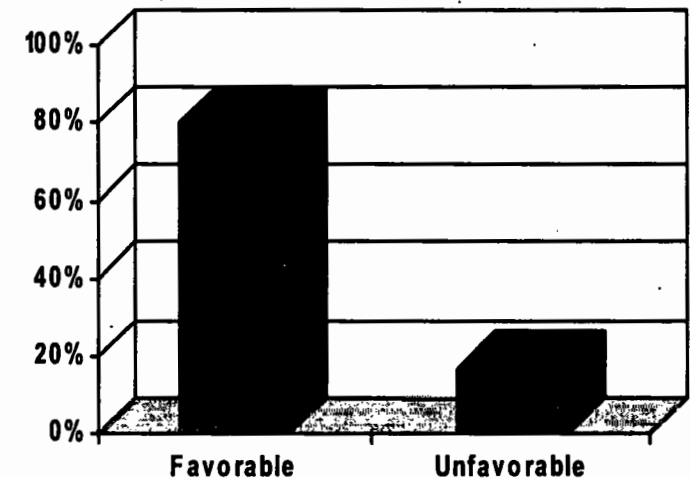


# Voters' positions on this issue

According to a Public Policy Polling May 2008 Statewide Poll, "Cutting across all demographics – gender, race and party lines –

**80% of North Carolinians polled are in favor of a bill allowing tuition tax credits for parents of special needs children."**

The North Carolina legislature is currently debating a bill that would allow parents of children with special educational needs to claim a tax credit for sending their children to a private school. Would you say that you are personally favorable or unfavorable to this approach of allowing parents of children with special needs to send their children to the school of their choice?



Very Favorable	Somewhat Favorable	Somewhat Unfavorable	Very Unfavorable	Neutral/ Unsure
52%	28%	11%	6%	3%



# Fiscal impact of tax credits

$$PvtSchool_{it} = \beta_0 + \beta_1 Price_{it} + \beta_2 Income_{it} + \beta_3 Pop_{it} + Trend_t + d\delta + \varepsilon_{it}$$

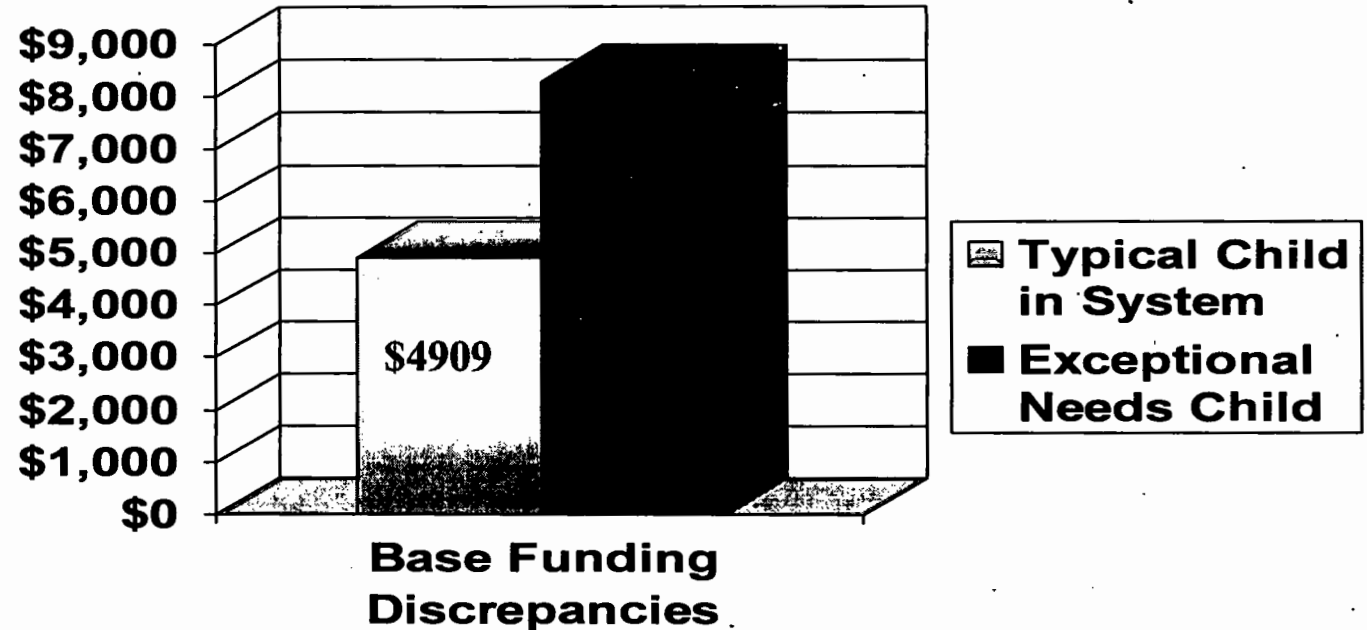
Determining whether allowing tax credits for parents of children with special needs is an economically feasible option requires answering key questions:

- Will the proposed tax credit per semester be less costly than educating the student in public school, and how many parents are predicted to utilize this option?
- Will it be feasible to allow tax credits for special needs children already in private schooling to qualify for the program?
- Will North Carolina state and local governments save money by allowing parents educational options?





# Allotment of educational funds



As the North Carolina Department of Public Instruction detailed in their February 2007 Budget Analysis, a child with special needs is devoted nearly two times as many resources, in base funds, as a child without special needs.

When other funding requirements are brought into consideration, such as additional funding to students falling behind grade level achievement, the actual cost to educate a child with special needs in our public school system can soar to more than \$14,500/year, almost three times what a child with no additional needs requires, at \$4,909/year.

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## Fiscal impact of tax credits

- The most recent estimates by Fiscal Research show that, except for the first year, a tax credit could **save** the state of North Carolina **\$6.5 million per year**, and could save counties about **\$5.5 million per year**, a net gain to the state and local governments of almost **\$12 million each year**.
- Using the middle range of estimates, about 1,800 students with special needs will be provided alternative education through this program. The public school system will be able to save time, energy, and resources. In addition, the taxpayers will be able to see their tax dollars more efficiently spent.
- The bill will create a “Fund for Special Education and Related Services.” This will be used only for special educational services and would be funded at the end of each fiscal year (after the first year) with \$2000 for each credit given that year.

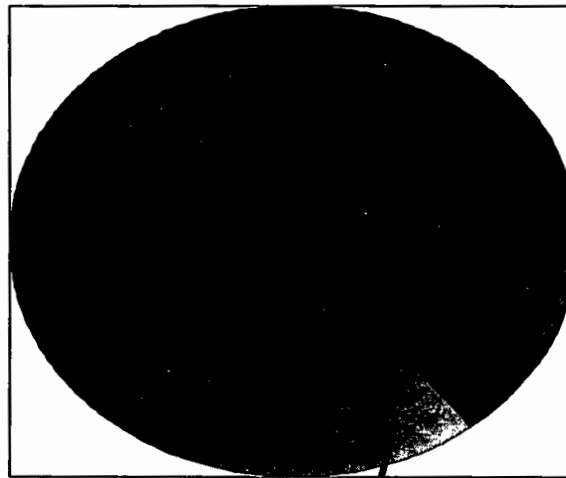
[Legislative Fiscal Note](#)

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# Fiscal impact of tax credits

**\$8,296** is the predicted operational “savings” to the State that results from **each** student with an IEP transferring from the public schools, with \$1,934.05 local expenditures savings.



- Public schooler without an IEP
- IEP student, non-eligible
- IEP student, eligible

The number of **eligible students** participating in the program will determine how much state and local governments will save each year, as more parents take advantage of the program the long term savings will continue to increase.

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# Fiscal impact of tax credits

We currently fund nearly 200,000 children with special needs in our schools. This headcount leaves out a number of children with special needs who are not in the public schooling system. The state has an obligation to assist these children who have a right to be enrolled in public education.

Allowing tax credits for children with special needs will provide a small reprieve for those children whose circumstances have drawn them away from a public school system which they are entitled to be in.

This bill could assist parents who are not able to easily afford alternative means of education, and if the financial situation is such that the family is struggling, the family may be able enroll their child in a public school for a year before transferring them to a school that is better equipped to suit their child's needs.

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## **Other States with comparable programs**

Florida, Ohio, Utah and Arizona all have programs that are comparable to the proposed tax credit program in North Carolina for children with special needs.

Ohio's Autism Scholarship Program, Utah's Carson-Smith Special Needs Program, and Arizona's Pupil's with Disabilities Program all allow credits of around \$3,000.

The programs allowing school choice have been so successful that nearly 30 states have considered school choice legislation within the last year.

Allowing parents the freedom of school choice is proving an effective way to address the needs of the exceptional students in our country.

Of the programs Florida's stands out as one of the effective and best performing and is very similar to the proposed North Carolina tuition tax credit.

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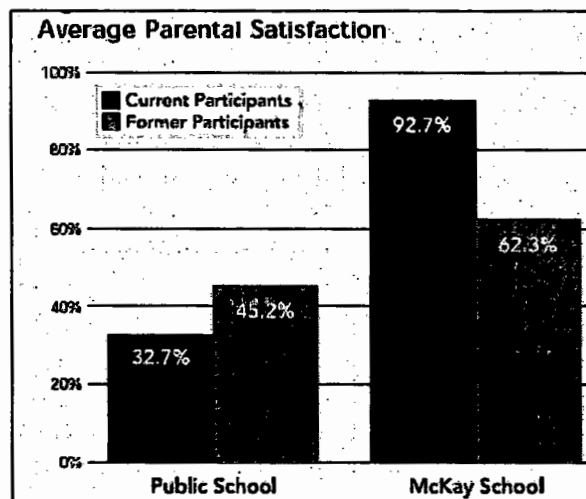
# Florida's Scholarship Program

**The McKay Scholarship Program for Students with Disabilities:**

- **370,000 Children statewide are eligible for the scholarship, 16,812 participated in the program**

**Even though Florida's particular program was designed to provide school choice – not to save money...**

**The McKay Scholarship Program has saved the state of Florida \$139 Million**



- **47 Percent of participants were harassed often at their previous public schools because of their disabilities, compared to 5% at McKay schools**

- **The average McKay scholarship in Florida's successful program is worth \$6,117 annually, just \$117 more than the projected tax credits available for special needs children in North Carolina. The program allows between \$4,805-\$20,703 to be given in credits annually**

[ABCs of School Choice](#)

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# Arizona's Tax Credit Program

- Governor Janet Napolitano signed a HB2678 into law in 2006, allowing tax credits for pupils with disabilities.
- Under this program the funding provided is equal to the “base support level” of state funding that student would have generated if he or she had remained in public school.
- For most students it is equal to about \$3,000. The value of the voucher may not exceed the actual tuition and fees paid to the private school.
- Like the proposed North Carolina plan, students are eligible only if they have been enrolled in public school for the previous school year and are in special education
- A cap on the Arizona credit program will allow only about 830 students to benefit from the option.





# Who would qualify?

**Beyond being certified with an IEP\*(Individual Education Plan), to qualify for the tax credit the student would need to fit several criteria.**

- 1. The student must have been enrolled in public school the previous year (i.e. Fall Semester then Spring Semester or Spring Semester then Fall Semester)**
- 2. The student must require daily services outside the classroom.**
- 3. The student must be under the age of 21.**

**\*An IEP specifies:**

- the services the student will receive**
- modifications the student requires for classes or testing**
- whether the student needs alternate assessments**
- which regular education classes the student will take**
- how much of each school day the student will spend with non-disabled peers**

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# Sample form to receive tax credit

## Education Expenses Credit (Sample)

In order to claim the credit allowed by the state the parent/guardian must provide the following information:

Child's First Name      Middle Initial      Last Name      SSN

Home Address      City      Zip

Name of Local School Board Administrative Unit / School District

I hereby certify that this child has not spent any time enrolled as a full-time student in any post-secondary educational institution and/or was not 21 years or older during the entire semester.

( )  
Parent/Guardian Initial Here

Please Attach:

- A) A Certification that the child is a child with special needs who requires special education and related services, including the signature of the person who made that determination. And,
- B) A listing of the tuition and other educational and therapeutic expenses on which the amount of credit is based

By signing this document I acknowledge that the information I have provided is, to the best of my knowledge, accurate.

Parent/Guardian Name (Please Print)      Signature      Date

A simple, straight forward,  
form is needed in order to  
receive the tax credit.

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## Program Beneficiary – Case Study 1

A young adolescent male from Charlotte is having difficulty getting along with students in his class at school, he was diagnosed with Oppositional Defiance Disorder (ODD), is on medication for his condition, and has to see a behavior specialist daily. Being prone to behavioral problems he is often unable to cooperate with his teachers and fellow students, and is often removed from the classroom to be dealt with because the teachers do not know how to handle his temperament.

His parents are concerned that he is not learning to his grade level, and that his problems are not able to be addressed to in the classroom.

With a tuition tax credit his parents would be able to afford to send their child to a school understanding of his specific needs.

Within their county is The Keys of North Carolina School, designed to address behavioral deficiencies in adolescents

If the parents were able to afford this option, their son would have already been enrolled. With a tuition tax credit they will finally be able to enroll their son in a school where he will be understood.



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## Program Beneficiary – Case Study 2

The Smith family in Raleigh has a daughter who has recently been diagnosed with autism. Like one out of every 73 children in North Carolina, she suffers from the effects of this disability.

Having had their daughter enrolled in the first grade the previous year they are worried about keeping their daughter in public schools after hearing a number of cases where autistic children were picked on and unable to keep up in classes.

In Cary North Carolina, Mariposa School recently opened. Mariposa's service is dedicated specifically to autistic children.

Learning of the tuition tax credit they are excited about the possibility of enrolling their daughter in a school where her special needs will be directly addressed, avoiding having their daughter placed in a classroom with special needs students requiring differing treatments.



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## Program Beneficiary – Case Study 3

Parents of special needs children like the Petruks in Charlotte are examining their educational options and are finding out that they have very few. Their son's placement in a classroom with 23 other special needs children leaves little time for the one on one instructional and physical environment needs that are necessary for his specialized learning requirements. He has an average IQ, but has a difficulty learning when there are more than a handful of people in a room. It is disheartening for their family to know there are non-public educational opportunities and services that are structured specifically for their child's particular disability but they are unable to enroll their child because of financial limitations. The price is simply too high.

With the proposed tax credit the Petruk family, along with potentially hundreds of other families, will be provided the freedom to choose where their son is educated.

Previous End

HOUSE PAGES

NAME OF COMMITTEE Education DATE 6/23/09

1. Name: Ian MacDonald  
County: Forsyth Her. Pages  
Sponsor: Brown
2. Name: Chelsea Rush  
County: Rutherford  
Sponsor: England
3. Name: Catherine Hedgcock  
County: Nash  
Sponsor: Stewart
4. Name: Robert Barnes  
County: Nash  
Sponsor: Stewart
5. Name: Catherine Coleman  
County: Somerset  
Sponsor: Bell
- Over

SGT-AT-ARM

1. Name: MARVIN LEE John BRANDON
2. Name: MARTHA PARRISH
3. Name: JUDY TURNER
4. Name: TREY RALEY

Brad McVicker

Orange

Insko

Alex Steiner

Orange

Insko

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
July 7, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, July 7, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon and Womble; **Members:** Adams, Avila, Blackwell, Blackwood, Bordsen, Bryant, Carney, Cleveland, Dickson, Dollar, England, E. Floyd, Folwell, Gill, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Iler, Insko, Jeffus, Johnson, Langdon, McCormick, McLawhorn, Michaux, Mills, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tillis, Tolson, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utey.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. Special acknowledgements and well wishes were made to Representative Carney upon recuperation.

The agenda was presented and the following bills were before the committee:

**HB 21 - A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO ERECT A HISTORICAL MARKER ABOUT THE PROGRAM, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.**

**Representative Lucas** moved to adopt the PCS. The motion passed.

**Representative Womble** explained and recognized all the primary sponsors and Representatives involved in the bill; media publications: 60 Minutes, Montel Williams Show, Dateline and Oprah, USA Today, Ebony, Jet, Black Enterprise, People, Crisis, and Newsweek magazines. He notes that the bill came out of the House Select Committee on Compensation for Victims of the Eugenics Sterilization Program appointed by Speaker Hackney; and the recent historical marker that was unveiled on June 22, 2009 by the Department of Cultural Resources. He noted this cutting edge historical moment in the state of North Carolina.

Legislative Analyst Sara Kamprath was asked to detail the technical changes in the committee substitute bill.

Much discussion and commendable recognitions were made from the committee. **Representative E. Floyd** moved for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee of Appropriations. The motion passed.

**SB 1069 – BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS) COMMISSION.**

**Representative Lucas** moved to adopt the PCS. The motion passed. **Chairman Bell** acknowledges **Representative Glazier** to explain the bill that was started by deceased Senator Malone. **Representatives Womble and Cotham** motions for a favorable report to the House committee substitute bill, which changes the title, unfavorable to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations. The bill passed.

**Chairman Bell** adjourned the meeting at 11:40 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

# **CANCELLED**

## **RESCHEDULED - Tuesday, July 7, 2009**

### **NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION**

**You are hereby notified that the Committee on Education will meet as follows:**

**DAY & DATE:** Tuesday, July 7, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
-----------------	--------------------	----------------

<b>HB 21</b>	<b>Eugenics Program – Support and Education.</b>	
--------------	--	--

<b>Representative Womble</b>
<b>Representative Sutton</b>
<b>Representative Parmon</b>
<b>Representative M. Alexander</b>

<b>SB 1069</b>	<b>Joining Our businesses and Schools Commission.</b>	
----------------	---	--

<b>Senator Malone</b>
-----------------------

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5 P.M. June 30, 2009.

X Principal Clerk  
X Reading Clerk – House Chamber  
Carolyn Edwards (Committee Assistant)



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

07-07-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)

FIRM OR AGENCY AND ADDRESS

Joe Fraddoso	MCNC 3621 Cornwallis, Box 12889 RTP, NC 27709
Kimberly Reynolds	LT. Governor's Office
Caroline Valand	LG's ofc
Mike McLoughlin	LG's Office
Becki Gray	John Locke Foundation
Erin Schuettpeter	UNC
Jackie ILER	Rep. ILER's wife
Betsy Bailey	Professional Engineers of NC
Melanie Fox	DCR
Karen Wells	Arch North Carolina
Matthew Wells	TRC

## VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**07-07-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**[illegible]

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

07-07-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: <i>(Please Print)</i>	FIRM OR AGENCY AND ADDRESS
Chris Minard	NC State Bd of Ed
Belinda Black	NC Dept of Public Instruction
Penny Buffin	School of Gov.
CHAWKINS	NCCAF
Troy Kickler	John Locke Foundation
Andrew Schreiber	John Locke Foundation
Adrienne Dunn	John Locke Foundation
Hunter Davis	Governor's page program
OILVER Fleming	Governors Page
Carter Robinson	Governor's Page
Robert Wilson	SJS

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

07-07-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: <i>(Please Print)</i>	FIRM OR AGENCY AND ADDRESS
Cecil Bank	NCAE
Sean Kosofsky	NARAL NC
John Goodman	NC CHAMBER
Alan News	Public School Forum
Katherine Joyce	NC Assoc. of School Admin.
Ann Barlana	NCEL
Emily Doyle	NUPAA
Tisnd	Rep. D. Young office
Gene Causty	NC SCA
Jeff Maynard	CMF
A.T.	Dr

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

07-07-2009

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

Emily Wilbanc

TPG

Chris Hunt

HJC

Roz Sawitt

NC CCA

## **AGENDA**

### **HOUSE COMMITTEE ON EDUCATION**

**July 7, 2009  
11:00 A.M.  
Room 643 LOB**

**Representative Bell**  
*Presiding Chair*

#### **CALL TO ORDER**

#### **OPENING REMARKS**

***Bills to be consider:***

**HB 21     Eugenics Program – Support  
              and Education.**

**Representative Womble  
Representative Sutton  
Representative Parmon  
Representative M. Alexander**

**SB 1069   Joining Our Businesses and  
              Schools Commission.**

**Senator Malone**

#### **ADJOURNMENT**

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 21** A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO ERECT A HISTORICAL MARKER ABOUT THE PROGRAM, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 21  
Second Edition Engrossed 3/9/09  
PROPOSED COMMITTEE SUBSTITUTE H21-CSRJ-32 [v.2]**

7/6/2009 4:13:09 PM

Short Title: Eugenics Program - Support and Education.

(Public)

Sponsors:

Referred to:

February 2, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DIRECT APPROPRIATE FACULTY AND STUDENTS TO CONDUCT INTERVIEWS WITH SURVIVORS, TO RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.**

Whereas, during the early part of the 20<sup>th</sup> century, social reformers advocated eugenics sterilization as a solution to problems such as mental retardation and mental illness; and

Whereas, in 1907, Indiana was the first state to pass a eugenics sterilization program, and eventually more than 30 states passed these laws, with North Carolina following in 1929; and

Whereas, from 1929 to 1974, the Eugenics Board of North Carolina reviewed petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases before the Board; and

Whereas, researchers estimate that more than 7,600 people were sterilized in North Carolina between 1929 and 1974, ranking North Carolina third among the states operating eugenics sterilization programs; and

Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program, approximately 38% of persons sterilized under the Program were black, and 84% of all those sterilized under the Program were female; and

Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program, approximately 71% of persons sterilized under the Program were classified as "feeble-minded,"



\* H 2 1 - C S R J - 3 2 - V - 2 \*



1 who were predominantly people with intellectual disabilities; 24% were classified as mentally  
2 ill; and 5% were classified as epileptic; and

3 Whereas, while most states sharply curtailed their sterilization programs after World  
4 War II, nearly four-fifths of sterilizations in North Carolina were performed after 1945; and

5 Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina  
6 have issued apologies for these forced sterilizations, and Governor Michael F. Easley  
7 established a committee to investigate the North Carolina Eugenics Sterilization Program and  
8 consider compensation or counseling services for these persons; and

9 Whereas, the General Assembly urges the citizens of this State to become familiar  
10 with the history of the eugenics movement, in the belief that a more educated, enlightened, and  
11 tolerant population will reject absolutely any such abhorrent pseudoscientific movement in the  
12 future; and

13 Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney,  
14 established the House Select Committee on Compensation for Victims of the Eugenics  
15 Sterilization Program to study proposals to compensate persons sterilized under the Program;  
16 Now, therefore,

17 The General Assembly of North Carolina enacts:

18 **SECTION 1.(a)** The Department of Health and Human Services shall explore  
19 options and develop a proposal for providing behavioral health counseling services to  
20 confirmed survivors of the North Carolina Eugenics Sterilization Program and report its  
21 recommendations and legislative proposals to the Legislative Study Commission on Mental  
22 Health, Developmental Disabilities, and Substance Abuse Services on or before the convening  
23 of the 2010 Regular Session of the 2009 General Assembly.

24 **SECTION 1.(b)** The Department of Health and Human Services shall immediately  
25 create a verification database of individuals ordered to be sterilized under the North Carolina  
26 Eugenics Sterilization Program. The database shall be developed in four phases, according to a  
27 proposal developed by the Department of Health and Human Services in conjunction with the  
28 Department of Cultural Resources. Records maintained in the database shall be confidential  
29 and shall not be subject to public disclosure pursuant to G.S. 132-6(a).

30 There is appropriated from the General Fund to the Department of Health and  
31 Human Services the sum of thirty-eight thousand six hundred forty-eight dollars (\$38,648) for  
32 the 2009-2010 fiscal year to administer the provisions of this section.

33 **SECTION 1.(c)** The Department of Health and Human Services shall compare the  
34 names and identifying information collected by the Office of Minority Health over the course  
35 of the past several years with the names and identifying information entered into the  
36 verification database, shall determine whether these individuals were, in fact, program  
37 participants, and shall notify each person of his or her status as soon as possible. The  
38 Department shall report its progress in accomplishing Sections 1.(b) and 1.(c) to the Joint  
39 Legislative Commission on Governmental Operations on or before the convening of the 2010  
40 Regular Session of the 2009 General Assembly.

41 **SECTION 1.(d)** The Department of Health and Human Services shall use available  
42 funds to conduct an outreach campaign to identify survivors, including at least the issuance of  
43 news releases and public service announcements and joint efforts with relevant interest groups  
44 and agencies. The Department shall report its progress to the Joint Legislative Commission on  
45 Governmental Operations on or before the convening of the 2010 Regular Session of the 2009  
46 General Assembly.

47 **SECTION 2.** The State Board of Education shall include information about the  
48 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The  
49 Board shall report its progress to the Joint Legislative Education Oversight Committee on or  
50 before the convening of the 2010 Regular Session of the 2009 General Assembly.

1           **SECTION 3.** The Board of Governors of The University of North Carolina shall  
2 identify and direct the faculty and students of the constituent institutions with the appropriate  
3 expertise to conduct interviews with survivors of the North Carolina Eugenics Sterilization  
4 Program to document their experiences to share with future generations. The Board of  
5 Governors shall report its progress to the Joint Legislative Education Oversight Committee on  
6 or before the convening of the 2010 Regular Session of the 2009 General Assembly.

7           **SECTION 4.** The Office of State Personnel shall create an ethics training module  
8 to educate State, county, and local government employees in issues relating to ethics and  
9 human rights.

10           **SECTION 5.** Subject to the availability of funds, the Department of Cultural  
11 Resources shall create digitized copies of all records currently maintained in the State Archives  
12 relating to the North Carolina Eugenics Sterilization Program and make these digitized copies  
13 available for continued research and review, while maintaining confidentiality of all  
14 participants of the Program. The Department shall make every effort to secure philanthropic  
15 grant funding to fund preservation of these records.

16           **SECTION 6.** Section 1.(b) becomes effective July 1, 2009. The remainder of the  
17 act becomes effective when it becomes law.



# HOUSE BILL 21: Eugenics Program - Support and Education

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Womble, Sutton, Parmon,  
M. Alexander  
**Analysis of:** Second Edition

**Date:** July 7, 2009  
**Prepared by:** Sara Kamprath\*  
Legislative Analyst

**SUMMARY:** *House Bill 21 would direct the Department of Health and Human Services, the Department of Cultural Resources, the State Board of Education, the Board of Governors of The University of North Carolina, and the Office of State Personnel to undertake a series of initiatives to spread awareness of the past existence and activities of the North Carolina Eugenics Sterilization Program, to preserve records of the Program, to identify and conduct interviews with the survivors of the Program and to provide them with behavioral health services where appropriate.*

*The Proposed Committee Substitute deletes the language directing the Department of Cultural Resources to place a historical marker in Raleigh because a marker was dedicated on June 22, 2009 in Raleigh. The PCS also now directs the UNC Board of Governors instead of the board of trustees of each constituent institution to direct the appropriate faculty and students to interview survivors. The PCS also amends the long title of the bill, makes stylistic and technical changes, and amends the effective date.*

## BILL ANALYSIS:

**Section 1 –** Would direct the Department of Health and Human Services to:

- 1.(a) – Develop a proposal for providing behavioral health counseling services to confirmed survivors of the N.C. Eugenics Sterilization Program (Program) and report its recommendations and legislative proposals to the Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services on or before the convening of the 2010 Regular Session.
- 1.(b) – Create a database of individuals ordered to be sterilized under the Program, following a proposal developed by DHHS and the Department of Cultural Resources, and would appropriate \$38,648 from the General Fund to DHHS for the 2009-2010 fiscal year for this activity.
- 1.(c) – Compare names of persons that have already contacted the Office of Minority Health and Health Disparities with names of Program participants entered into the DHHS-created database, and notify each person of their actual status as a Program participant or not.
- 1.(d) – Use available funds to conduct an outreach campaign to identify Program survivors.

DHHS shall report on its progress in accomplishing Sections 1.(b), 1.(c) and 1.(d) to the Joint Legislative Commission on Governmental Operations on or before the convening of the 2010 Regular Session.

**Section 2–** Would direct the State Board of Education to include information about the N.C. State Eugenics Sterilization Program in its existing K-12 history curriculum. The Board shall report its progress to the Joint Legislative Education Oversight Committee on or before the convening of the 2010 Regular Session.

**Section 3 –** Would direct the Board of Governors of The University of North Carolina to direct students and faculty with appropriate expertise to conduct interviews with survivors of the Program to document

# House Bill 21

Page 2

their experiences to share with future generations. The Board shall report its progress to the Joint Legislative Education Oversight Committee on or before the convening of the 2010 Regular Session.

**Section 4** – Would direct the Office of State Personnel to create an ethics training module to educate government employees in issues relating to ethics and human rights.

**Section 5** – Would direct the Department of Cultural Resources to use available funds to create digitized copies of all Program records currently maintained in the State Archives and make them available for continued research, while maintaining confidentiality of the records.

**EFFECTIVE DATE:** Section 1.(b) becomes effective July 1, 2009. The remainder of the act becomes effective when it becomes law.

**BACKGROUND:** This bill is a recommendation of the House Select Committee on Compensation for Victims of the Eugenics Sterilization Program.

*\*Ben Popkin. Committee Counsel for the House Health Committee, contributed significantly to this summary.*

H21-SMRJ-94(e2) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**2**

**HOUSE BILL 21  
Second Edition Engrossed 3/9/09**

**Short Title:** Eugenics Program - Support and Education. (Public)

**Sponsors:** Representatives Womble, Sutton, Parmon, M. Alexander (Primary Sponsors); Adams, K. Alexander, Bell, Bordsen, Bryant, Carney, Cotham, Fisher, E. Floyd, Glazier, Goforth, Hall, Harrell, Harrison, Holliman, Hughes, Insko, Jones, Lucas, Luebke, Mackey, Martin, Michaux, Mobley, Pierce, Ross, Samuelson, Wainwright, Weiss, and Wray.

**Referred to:** Rules, Calendar, and Operations of the House.

February 2, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO ERECT A HISTORICAL MARKER ABOUT THE PROGRAM, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.

Whereas, during the early part of the 20<sup>th</sup> century, social reformers advocated eugenics sterilization as a solution to problems such as mental retardation and mental illness; and

Whereas, in 1907, Indiana was the first state to pass a eugenics sterilization program, and eventually more than 30 states passed these laws, with North Carolina following in 1929; and

Whereas, from 1929 to 1974, the Eugenics Board of North Carolina reviewed petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases before the Board; and

Whereas, researchers estimate that more than 7,600 people were sterilized in North Carolina between 1929 and 1974, ranking North Carolina third among the states operating eugenics sterilization programs; and

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 38% of persons sterilized under the Program were black, and 84% of all those sterilized under the Program were female; and

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 71% of persons sterilized under the Program were classified as "feeble-minded," who were



1 predominantly people with intellectual disabilities; 24% were classified as mentally ill; and 5%  
2 were classified as epileptic; and

3       Whereas, while most states sharply curtailed their sterilization programs after World  
4 War II, nearly four-fifths of sterilizations in North Carolina were performed after 1945; and

5       Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina  
6 have issued apologies for these forced sterilizations, and Governor Michael F. Easley  
7 established a committee to investigate the Eugenics Sterilization Program and consider  
8 compensation or counseling services for these persons; and

9       Whereas, the General Assembly urges the citizens of this State to become familiar  
10 with the history of the eugenics movement, in the belief that a more educated, enlightened, and  
11 tolerant population will reject absolutely any such abhorrent pseudoscientific movement in the  
12 future; and

13       Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney,  
14 established the House Select Committee on Compensation for Victims of the Eugenics  
15 Sterilization Program to study proposals to compensate persons sterilized under the Program;  
16 Now, therefore,

17 The General Assembly of North Carolina enacts:

18       **SECTION 1.(a)** The Department of Health and Human Services shall explore  
19 options and develop a proposal for providing behavioral health counseling services to  
20 confirmed survivors of the Eugenics Sterilization Program and report its recommendations and  
21 legislative proposals to the 2010 Regular Session of the 2009 General Assembly on or before  
22 the convening of that session.

23       **SECTION 1.(b)** The Department of Health and Human Services shall immediately  
24 create a database of individuals petitioned for sterilization under the Eugenics Sterilization  
25 Program. The database shall be developed in four phases, according to a proposal developed by  
26 the Department of Health and Human Services in conjunction with the Department of Cultural  
27 Resources. Records maintained in the database shall be confidential and shall not be subject to  
28 public disclosure pursuant to G.S. 132-6(a).

29       There is appropriated from the General Fund to the Department of Health and  
30 Human Services the sum of thirty-eight thousand six hundred forty-eight dollars (\$38,648) for  
31 the 2009-2010 fiscal year to administer the provisions of this section.

32       **SECTION 1.(c)** The Department of Health and Human Services shall compare the  
33 names and identifying information collected by the Office of Minority Health over the course  
34 of the past several years with the names and identifying information entered into the  
35 verification database, shall determine whether these individuals were, in fact, program  
36 participants, and shall notify each person of his or her status as soon as possible. The  
37 Department shall report its progress in accomplishing Sections 1(b) and 1(c) to the Joint  
38 Legislative Commission on Governmental Operations on or before the convening of the 2010  
39 Regular Session of the 2009 General Assembly.

40       **SECTION 1.(d)** The Department of Health and Human Services shall use available  
41 funds to conduct an outreach campaign to identify survivors, including at least the issuance of  
42 news releases and public service announcements and joint efforts with relevant interest groups  
43 and agencies. The Department shall report its progress in this regard to the Joint Legislative  
44 Commission on Governmental Operations on or before the convening of the 2010 Regular  
45 Session of the 2009 General Assembly.

46       **SECTION 2.** The Department of Cultural Resources shall design and place a  
47 historical marker providing information about the North Carolina Eugenics Sterilization  
48 Program in an appropriate location in Raleigh. The Department shall report its progress in this  
49 regard to the Joint Legislative Commission on Governmental Operations on or before the  
50 convening of the 2010 Regular Session of the 2009 General Assembly.

1           **SECTION 3.** The State Board of Education shall include information about the  
2 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The  
3 Board shall report its progress in this regard to the Joint Legislative Education Oversight  
4 Committee on or before the convening of the 2010 Regular Session of the 2009 General  
5 Assembly.

6           **SECTION 4.** The Board of Trustees of each of the constituent institutions of The  
7 University of North Carolina shall direct its students and faculty with the appropriate expertise  
8 to conduct interviews with survivors of the Eugenics Sterilization Program to document their  
9 experiences to share with future generations. The Board shall report its progress in this regard  
10 to the Joint Legislative Education Oversight Committee on or before the convening of the 2010  
11 Regular Session of the 2009 General Assembly.

12           **SECTION 5.** The Office of State Personnel shall create an ethics training module  
13 to educate State, county, and local government employees in issues relating to ethics and  
14 human rights.

15           **SECTION 6.** Subject to the availability of funds, the Department of Cultural  
16 Resources shall create digitized copies of all records currently maintained in the State Archives  
17 relating to the North Carolina Eugenics Sterilization Program and make these digitized copies  
18 available for continued research and review, while maintaining confidentiality of all  
19 participants of the Program. The Department shall make every effort to secure philanthropic  
20 grant funding to fund preservation of these records.

21           **SECTION 7.** This act becomes effective July 1, 2009.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 21  
Second Edition Engrossed 3/9/09  
PROPOSED COMMITTEE SUBSTITUTE H21-PCS80486-RJ-32**

Short Title: Eugenics Program - Support and Education.

(Public)

Sponsors:

Referred to:

February 2, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE THEIR PARTICIPATION IN THE STATE PROGRAM, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12 HISTORY CURRICULUM, TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DIRECT APPROPRIATE FACULTY AND STUDENTS TO CONDUCT INTERVIEWS WITH SURVIVORS, TO RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.

Whereas, during the early part of the 20<sup>th</sup> century, social reformers advocated eugenics sterilization as a solution to problems such as mental retardation and mental illness; and

Whereas, in 1907, Indiana was the first state to pass a eugenics sterilization program, and eventually more than 30 states passed these laws, with North Carolina following in 1929; and

Whereas, from 1929 to 1974, the Eugenics Board of North Carolina reviewed petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases before the Board; and

Whereas, researchers estimate that more than 7,600 people were sterilized in North Carolina between 1929 and 1974, ranking North Carolina third among the states operating eugenics sterilization programs; and

Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program, approximately 38% of persons sterilized under the Program were black, and 84% of all those sterilized under the Program were female; and

Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program, approximately 71% of persons sterilized under the Program were classified as "feeble-minded,"



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1 who were predominantly people with intellectual disabilities; 24% were classified as mentally  
2 ill; and 5% were classified as epileptic; and

3 Whereas, while most states sharply curtailed their sterilization programs after World  
4 War II, nearly four-fifths of sterilizations in North Carolina were performed after 1945; and

5 Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina  
6 have issued apologies for these forced sterilizations, and Governor Michael F. Easley  
7 established a committee to investigate the North Carolina Eugenics Sterilization Program and  
8 consider compensation or counseling services for these persons; and

9 Whereas, the General Assembly urges the citizens of this State to become familiar  
10 with the history of the eugenics movement, in the belief that a more educated, enlightened, and  
11 tolerant population will reject absolutely any such abhorrent pseudoscientific movement in the  
12 future; and

13 Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney,  
14 established the House Select Committee on Compensation for Victims of the Eugenics  
15 Sterilization Program to study proposals to compensate persons sterilized under the Program;  
16 Now, therefore,

17 The General Assembly of North Carolina enacts:

18 **SECTION 1.(a)** The Department of Health and Human Services shall explore  
19 options and develop a proposal for providing behavioral health counseling services to  
20 confirmed survivors of the North Carolina Eugenics Sterilization Program and report its  
21 recommendations and legislative proposals to the Legislative Study Commission on Mental  
22 Health, Developmental Disabilities, and Substance Abuse Services on or before the convening  
23 of the 2010 Regular Session of the 2009 General Assembly.

24 **SECTION 1.(b)** The Department of Health and Human Services shall immediately  
25 create a verification database of individuals ordered to be sterilized under the North Carolina  
26 Eugenics Sterilization Program. The database shall be developed in four phases, according to a  
27 proposal developed by the Department of Health and Human Services in conjunction with the  
28 Department of Cultural Resources. Records maintained in the database shall be confidential  
29 and shall not be subject to public disclosure pursuant to G.S. 132-6(a).

30 There is appropriated from the General Fund to the Department of Health and  
31 Human Services the sum of thirty-eight thousand six hundred forty-eight dollars (\$38,648) for  
32 the 2009-2010 fiscal year to administer the provisions of this section.

33 **SECTION 1.(c)** The Department of Health and Human Services shall compare the  
34 names and identifying information collected by the Office of Minority Health over the course  
35 of the past several years with the names and identifying information entered into the  
36 verification database, shall determine whether these individuals were, in fact, program  
37 participants, and shall notify each person of his or her status as soon as possible. The  
38 Department shall report its progress in accomplishing Sections 1(b) and 1(c) to the Joint  
39 Legislative Commission on Governmental Operations on or before the convening of the 2010  
40 Regular Session of the 2009 General Assembly.

41 **SECTION 1.(d)** The Department of Health and Human Services shall use available  
42 funds to conduct an outreach campaign to identify survivors, including at least the issuance of  
43 news releases and public service announcements and joint efforts with relevant interest groups  
44 and agencies. The Department shall report its progress to the Joint Legislative Commission on  
45 Governmental Operations on or before the convening of the 2010 Regular Session of the 2009  
46 General Assembly.

47 **SECTION 2.** The State Board of Education shall include information about the  
48 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The  
49 Board shall report its progress to the Joint Legislative Education Oversight Committee on or  
50 before the convening of the 2010 Regular Session of the 2009 General Assembly.

1           **SECTION 3.** The Board of Governors of The University of North Carolina shall  
2 identify and direct the faculty and students of the constituent institutions with the appropriate  
3 expertise to conduct interviews with survivors of the North Carolina Eugenics Sterilization  
4 Program to document their experiences to share with future generations. The Board of  
5 Governors shall report its progress to the Joint Legislative Education Oversight Committee on  
6 or before the convening of the 2010 Regular Session of the 2009 General Assembly.

7           **SECTION 4.** The Office of State Personnel shall create an ethics training module  
8 to educate State, county, and local government employees in issues relating to ethics and  
9 human rights.

10           **SECTION 5.** Subject to the availability of funds, the Department of Cultural  
11 Resources shall create digitized copies of all records currently maintained in the State Archives  
12 relating to the North Carolina Eugenics Sterilization Program and make these digitized copies  
13 available for continued research and review, while maintaining confidentiality of all  
14 participants of the Program. The Department shall make every effort to secure philanthropic  
15 grant funding to fund preservation of these records.

16           **SECTION 6.** Section 1(b) becomes effective July 1, 2009. The remainder of this  
17 act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 1069**

A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINING OUR  
BUSINESSES AND SCHOOLS (JOBS) COMMISSION.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

D

**SENATE BILL 1069**

**Education/Higher Education Committee Substitute Adopted 5/6/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1069-PCS75288-RU-12**

Short Title:   Joining Our Businesses and Schools Commission.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND  
SCHOOLS (JOBS) STUDY COMMISSION.

Whereas, the Innovative Education Initiatives Act became law in 2003; and

Whereas, as a result of this act, 52 Early and Middle College programs have been developed as a collaboration between the public schools, the community colleges, and private business; and

Whereas, these schools have generally evidenced a decrease in their dropout rates and, as a result, have won national awards; and

Whereas, North Carolina has seven identified economic development regions, each with its own challenges in today's changing and demanding job market; and

Whereas, North Carolina has numerous innovative public and private programs based in Science, Technology, Engineering, and Mathematics (STEM); and

Whereas, to be efficient with the taxpayers' dollars, to continue to increase the graduation rate, and to prepare our students for twenty-first century jobs, it would be beneficial to map these innovative education programs, including the development of additional Early and Middle College programs and STEM programs, and other public and private education programs that have instructional programs that prepare students to meet the particular employment and workforce preparation needs of the respective economic development regions. In addition, it would be beneficial to develop curriculum frameworks that reflect innovative design principles in some of these schools that would address both regional and statewide employment needs; and

Whereas, the United States Department of Education has identified 16 career clusters as a tool to connect career technical education (CTE) to education, workforce preparation, and economic development; and

Whereas, the North Carolina STEM Community Collaborative/MCNC is supporting the creation of a replicable community visioning process, engaging business, policy, education, and community stakeholders in mapping their local needs and producing a plan for sustainable, local education innovation based in science, technology, engineering, and mathematics; and

Whereas, it would be beneficial to position each region and the State to compete in the regional, national, and global economy by creating a joint legislative study commission to review the vision plans and overall needs of each economic development region as well as the overall needs of the State; and



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Whereas, the Commission should advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop standard instructional programs for twenty-first century career paths in accordance with the Early and Middle College and STEM models and study the implementation of pilot programs in these respective regions that will best suit the potential of the region and better prepare students for the increased academic demands of a global economy; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Joint Legislative JOBS (Joining Our Businesses and Schools) Study Commission (Commission).

**SECTION 2.(a)** The Commission shall consist of the following members:

- (1) The Lieutenant Governor serving as the Chair.
- (2) Two members appointed by the Governor.
- (3) Eight members appointed by the President Pro Tempore of the Senate, to include:
  - a. Three members of the Senate, with one designated to serve as a vice-chair.
  - b. A representative of The University of North Carolina.
  - c. A representative of the Department of Public Instruction.
  - d. A representative of North Carolina's business and industry.
  - e. A public school teacher.
  - f. An individual with expertise in STEM education.
- (4) Eight members appointed by the Speaker of the House of Representatives, to include:
  - a. Three members of the House of Representatives, with one designated to serve as a vice-chair.
  - b. A representative of the Community College System.
  - c. A representative of the Independent Colleges and Universities.
  - d. A representative of the Department of Commerce.
  - e. A representative of North Carolina's business and industry.
  - f. A representative of North Carolina's school superintendents.
- (5) The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

**SECTION 2.(b)** Members of the Commission shall serve a three-year term, beginning on July 1, 2009. The terms for members of the House of Representatives or the Senate shall end upon the expiration of the members' legislative term.

**SECTION 2.(c)** Members shall serve at the pleasure of the appointing authority. Vacancies on the Commission shall be filled by the same appointing authority who made the initial appointment.

**SECTION 2.(d)** A vice-chair shall serve as Chair in the absence of the Chair.

**SECTION 3.(a)** The Commission shall study issues related to economic development through innovative schools where instructional program frameworks reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers, including:

- (1) Technical and vocational needs of each economic development region;
- (2) Employment and workforce preparation needs of the State as a whole;
- (3) The economic vision plans for each economic development region;
- (4) The shortage of highly skilled employees such as technicians, teachers, allied health practitioners, including, but not limited to, nurses and doctors, scientists, and engineers;
- (5) The 16 career clusters identified by the United States Department of Education as well as additional career paths;

- (6) The development of a framework for assessment of readiness of a community or region to support twenty-first century economic demands of business and industry development and the scaling of innovative local programs to impact broader numbers of individuals in communities around the State; and
- (7) Any other matter pertinent to connecting career technical education to education, workforce preparation, and economic development through innovative schools.

**SECTION 3.(b)** The Chair shall appoint from the Commission's membership a North Carolina STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure that the efforts of the Commission and the Community Collaborative are aligned and that the Commission is informed of the Community Collaborative's activities and that the Community Collaborative is informed of the Commission's activities.

**SECTION 4.** The Commission shall prioritize and customize the career clusters and identify additional career paths and report its recommendations to the State Board of Education. The Commission shall (i) advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop, incrementally, standard instructional programs for career clusters and their corresponding career paths in accordance with the Early and Middle College model, and (ii) study the implementation of pilot programs in the seven economic development regions of the State that will best suit the needs of the regions and prepare students for the increased academic demands of a global economy.

**SECTION 5.** The Commission shall also study issues related to economic growth by the creation of measures and metrics which define the readiness of a community to deliver to all stakeholders the services that equip the workforce to be competitive in a STEM-intensive economy, including ensuring that students throughout the education pipeline gain the skills learned from science, technology, engineering, math, and other rigorous subjects. As a part of its study, the Commission may examine issues related to:

- (1) A replicable and perpetual model for aligning efforts of local business, industry, policy, and education stakeholders in community engagement for visioning student-centered learning;
- (2) The documentation and study of the innovative education programs critical for communities to be competitive in the STEM environment in the twenty-first century;
- (3) A framework to network these economic development regions, aligning State, regional, and external investment in replicable innovation;
- (4) Opportunities to leverage existing research, programs such as the College Foundation of North Carolina Bridges program, and other resources to maximize the impact of these existing resources and assets to avoid duplication, to achieve greater economies of scale, and to broaden the impact of these efforts by the most cost-effective means possible; and
- (5) Any other topics deemed relevant by the Commission.

**SECTION 6.(a)** The Commission shall, within the first eight months of its creation, meet at least once in each economic development region. The Commission may use any and all appropriate technology to enhance participation in its meetings and to reduce the costs incurred by the Commission. The Chair may appoint a volunteer advisory committee in each economic development region to assist the Commission in its work.

**SECTION 6.(b)** The Commission shall work closely with the business community across the State and shall encourage businesses and business leaders to partner with the Commission on the work of the Commission and to establish public-private partnerships with the pilot schools.

1       **SECTION 6.(c)** The University of North Carolina shall inform the Commission on  
2 the work of its constituent institutions on the elementary and middle school fundamental  
3 building blocks for secondary STEM success. This work should be a consideration for all  
4 communities which engage in visioning student-centered learning. The Commission shall also  
5 be informed by The University of North Carolina on its North Carolina STEM program  
6 inventory and how to make this inventory available to communities which engage in visioning  
7 student-centered learning.

8       **SECTION 7.** The Commission shall meet upon the call of the Chair. A quorum of  
9 the Commission shall be a majority of its members. The Legislative Services Commission shall  
10 grant adequate meeting space to the Commission in the State Legislative Building or the  
11 Legislative Office Building. G.S. 120-19 applies to requests made on behalf of the  
12 Commission.

13       **SECTION 8.(a)** The expenses of the Commission shall be paid by the Legislative  
14 Services Commission from available funds appropriated to the General Assembly. The  
15 Legislative Services Commission may accept grants on behalf of the State to be used to help  
16 defray the expenses of the Commission. Any application and receipt of grants under this  
17 section shall be subject to the requirements of Chapters 120C and 138A of the General Statutes,  
18 and Article 14 of Chapter 120 of the General Statutes. Reasonable expenses of the  
19 Commission may include the cost of travel on a learning tour of innovative schools both inside  
20 and out of the State. Any grants funds received under this section shall be held by the General  
21 Assembly in a non-reverting special fund known as the JOBS Commission Fund to be  
22 administered by the Legislative Services Commission for expenses of the Commission. Any  
23 funds remaining in the JOBS Commission Fund shall transfer to the reserves of the General  
24 Assembly upon termination of the Commission.

25       **SECTION 8.(b)** Members of the Commission shall receive per diem, subsistence,  
26 and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.  
27 Individual expenses of five thousand dollars (\$5,000) or less, including per diem, travel, and  
28 subsistence expenses of members of the Commission, shall be paid upon authorization of the  
29 Chair of the Commission. Individual expenses in excess of five thousand dollars (\$5,000) shall  
30 be paid upon written approval of the President Pro Tempore of the Senate and the Speaker of  
31 the House of Representatives.

32       **SECTION 8.(c)** With approval of the Legislative Services Commission, the  
33 Legislative Services Officer shall assign professional and clerical staff to assist the Commission  
34 in its work during the interims between legislative sessions. The Directors of Legislative  
35 Assistants of the House of Representatives and the Senate shall assign clerical staff to the  
36 Commission. The Commission may contract for additional professional or consultant services  
37 in accordance with G.S. 120-32.02.

38       **SECTION 9.(a)** The Commission shall make an initial report of the results of its  
39 study to the State Board of Education by March 1, 2010. In its report, the Commission shall  
40 recommend at least four of the 16 career clusters identified by the United States Department of  
41 Education that will best and most broadly serve the immediate employment and workforce  
42 preparation needs of the State and the respective regions. Upon consideration of the  
43 recommendations of the Commission, the State Board of Education, in consultation with the  
44 Department of Public Instruction, shall develop the instructional programs for at least four  
45 career clusters and shall implement at least one JOBS Early or Middle College in each of the  
46 economic development regions beginning with the 2010-2011 school year where feasible, and  
47 in all other regions by the 2011-2012 school year.

48       **SECTION 9.(b)** The Commission may make recommendations resulting from its  
49 study to the State Board of Education and the Department of Public Instruction from time to  
50 time in its discretion.



1           **SECTION 9.(c)** The Commission shall monitor the implementation of its  
2 recommendations to the State Board of Education and the Department of Public Instruction and  
3 shall report and recommend to the General Assembly any legislation necessary to implement its  
4 recommendations.

5           **SECTION 9.(d)** The Commission shall make an interim report of the results of its  
6 study and its recommendations, including any proposed legislation, to the Joint Legislative  
7 Education Oversight Committee and the 2010 Regular Session of the 2009 General Assembly  
8 no later than May 15, 2010, and to the Joint Legislative Education Oversight Committee and  
9 the 2011 Regular Session of the 2011 General Assembly no later than February 1, 2011, and a  
10 final report to the Joint Legislative Education Oversight Committee and the 2012 Regular  
11 Session of the 2011 General Assembly no later than May 15, 2012. The Commission shall file  
12 a copy of each Commission report with the President Pro Tempore of the Senate's office, the  
13 Speaker of the House of Representatives' office, and the Legislative Library.

14           **SECTION 10.** The Commission shall terminate on June 30, 2012, or upon the  
15 filing of its final report in accordance with Section 9.(d) of this act.

16           **SECTION 11.** This act is effective when it becomes law.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**D**

**SENATE BILL 1069**

**Education/Higher Education Committee Substitute Adopted 5/6/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1069-CSRU-12 [v.5]**

7/6/2009 2:48:57 PM

Short Title:   Joining Our Businesses and Schools Commission.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND  
SCHOOLS (JOBS) STUDY COMMISSION.

Whereas, the Innovative Education Initiatives Act became law in 2003; and

Whereas, as a result of this act, 52 Early and Middle College programs have been developed as a collaboration between the public schools, the community colleges, and private business; and

Whereas, these schools have generally evidenced a decrease in their dropout rates and, as a result, have won national awards; and

Whereas, North Carolina has seven identified economic development regions, each with its own challenges in today's changing and demanding job market; and

Whereas, North Carolina has numerous innovative public and private programs based in Science, Technology, Engineering, and Mathematics (STEM); and

Whereas, to be efficient with the taxpayers' dollars, to continue to increase the graduation rate, and to prepare our students for twenty-first century jobs, it would be beneficial to map these innovative education programs, including the development of additional Early and Middle College programs and STEM programs, and other public and private education programs that have instructional programs that prepare students to meet the particular employment and workforce preparation needs of the respective economic development regions. In addition, it would be beneficial to develop curriculum frameworks that reflect innovative design principles in some of these schools that would address both regional and statewide employment needs; and

Whereas, the United States Department of Education has identified 16 career clusters as a tool to connect career technical education (CTE) to education, workforce preparation, and economic development; and

Whereas, the North Carolina STEM Community Collaborative/MCNC is supporting the creation of a replicable community visioning process, engaging business, policy, education, and community stakeholders in mapping their local needs and producing a plan for sustainable, local education innovation based in science, technology, engineering, and mathematics; and

Whereas, it would be beneficial to position each region and the State to compete in the regional, national, and global economy by creating a joint legislative study commission to review the vision plans and overall needs of each economic development region as well as the overall needs of the State; and



\* S 1 0 6 9 - C S R U - 1 2 - V - 5 \*

Whereas, the Commission should advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop standard instructional programs for twenty-first century career paths in accordance with the Early and Middle College and STEM models and study the implementation of pilot programs in these respective regions that will best suit the potential of the region and better prepare students for the increased academic demands of a global economy; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Joint Legislative JOBS (Joining Our Businesses and Schools) Study Commission (Commission).

**SECTION 2.(a)** The Commission shall consist of the following members:

- (1) The Lieutenant Governor serving as the Chair.
- (2) Two members appointed by the Governor.
- (3) Eight members appointed by the President Pro Tempore of the Senate, to include:
  - a. Three members of the Senate, with one designated to serve as a vice chair.
  - b. A representative of The University of North Carolina.
  - c. A representative of the Department of Public Instruction.
  - d. A representative of North Carolina's business and industry.
  - e. A public school teacher.
  - f. An individual with expertise in STEM education.
- (4) Eight members appointed by the Speaker of the House of Representatives, to include:
  - a. Three members of the House of Representatives, with one designated to serve as a vice chair.
  - b. A representative of the Community College System.
  - c. A representative of the Independent Colleges and Universities.
  - d. A representative of the Department of Commerce.
  - e. A representative of North Carolina's business and industry.
  - f. A representative of North Carolina's school superintendents.
- (5) The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

**SECTION 2.(b)** Members of the Commission shall serve a three-year term, beginning on July 1, 2009. The terms for members of the House of Representatives or the Senate shall end upon the expiration of the members' legislative term.

**SECTION 2.(c)** Members shall serve at the pleasure of the appointing authority. Vacancies on the Commission shall be filled by the same appointing authority who made the initial appointment.

**SECTION 2.(d)** A vice chair shall serve as chair in the absence of the chair.

**SECTION 3.(a)** The Commission shall study issues related to economic development through innovative schools where instructional program frameworks reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers, including:

- (1) Technical and vocational needs of each economic development region;
- (2) Employment and workforce preparation needs of the State as a whole;
- (3) The economic vision plans for each economic development region;
- (4) The shortage of highly skilled employees such as technicians, teachers, allied health practitioners, including, but not limited to, nurses and doctors, scientists, and engineers;
- (5) The 16 career clusters identified by the United States Department of Education as well as additional career paths;

(6) The development of a framework for assessment of readiness of a community or region to support twenty-first century economic demands of business and industry development and the scaling of innovative local programs to impact broader numbers of individuals in communities around the State; and

(7) Any other matter pertinent to connecting career technical education to education, workforce preparation, and economic development through innovative schools.

**SECTION 3.(b)** The Chair shall appoint from the Commission's membership a North Carolina STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure that the efforts of the Commission and the Community Collaborative are aligned and that the Commission is informed of the Community Collaborative's activities and that the Community Collaborative is informed of the Commission's activities.

**SECTION 4.** The Commission shall prioritize and customize the career clusters and identify additional career paths, and report its recommendations to the State Board of Education. The Commission shall (i) advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop, incrementally, standard instructional programs for career clusters and their corresponding career paths in accordance with the Early and Middle College model, and (ii) study the implementation of pilot programs in the seven economic development regions of the State that will best suit the needs of the regions and prepare students for the increased academic demands of a global economy.

**SECTION 5.** The Commission shall also study issues related to economic growth by the creation of measures and metrics which define the readiness of a community to deliver, to all stakeholders, the services that equip the workforce to be competitive in a STEM-intensive economy, including ensuring that students throughout the education pipeline gain the skills learned from science, technology, engineering, math, and other rigorous subjects. As a part of its study, the Commission may examine issues related to:

(1) A replicable and perpetual model for aligning efforts of local business, industry, policy, and education stakeholders in community engagement for visioning student-centered learning;

(2) The documentation and study of the innovative education programs critical for communities to be competitive in the STEM environment in the twenty-first century;

(3) A framework to network these economic development regions, aligning State, regional, and external investment in replicable innovation;

(4) Opportunities to leverage existing research, programs such as the College Foundation of North Carolina Bridges program, and other resources to maximize the impact of these existing resources and assets to avoid duplication, to achieve greater economies of scale, and to broaden the impact of these efforts by the most cost-effective means possible; and

(5) Any other topics deemed relevant by the Commission.

**SECTION 6.(a)** The Commission shall, within the first eight months of its creation, meet at least once in each economic development region. The Commission may use any and all appropriate technology to enhance participation in its meetings and to reduce the costs incurred by the Commission. The Chair may appoint a volunteer advisory committee in each economic development region to assist the Commission in its work.

**SECTION 6.(b)** The Commission shall work closely with the business community across the State and shall encourage businesses and business leaders to partner with the Commission on the work of the Commission and to establish public-private partnerships with the pilot schools.

1       **SECTION 6.(c)** The University of North Carolina shall inform the Commission on  
2 the work of its constituent institutions on the elementary and middle school fundamental  
3 building blocks for secondary STEM success. This work should be a consideration for all  
4 communities which engage in visioning student-centered learning. The Commission shall also  
5 be informed by The University of North Carolina on its North Carolina STEM program  
6 inventory and how to make this inventory available to communities which engage in visioning  
7 student-centered learning.

8       **SECTION 7.** The Commission shall meet upon the call of the Chair. A quorum of  
9 the Commission shall be a majority of its members. The Legislative Services Commission shall  
10 grant adequate meeting space to the Commission in the State Legislative Building or the  
11 Legislative Office Building. G.S. 120-19 applies to requests made on behalf of the  
12 Commission.

13       **SECTION 8.(a)** The expenses of the Commission shall be paid by the Legislative  
14 Services Commission from available funds appropriated to the General Assembly. The  
15 Legislative Services Commission may accept grants on behalf of the State to be used to help  
16 defray the expenses of the Commission. Any application and receipt of grants under this  
17 section shall be subject to the requirements of Chapters 120C and 138A of the General Statutes,  
18 and Article 14 of Chapter 120 of the General Statutes. Reasonable expenses of the  
19 Commission may include the cost of travel on a learning tour of innovative schools both inside  
20 and out of the State. Any grants funds received under this section shall be held by the General  
21 Assembly in a non-reverting special fund known as the JOBS Commission Fund to be  
22 administered by the Legislative Services Commission for expenses of the Commission. Any  
23 funds remaining in the JOBS Commission Fund shall transfer to the reserves of the General  
24 Assembly upon termination of the Commission.

25       **SECTION 8.(b)** Members of the Commission shall receive per diem, subsistence,  
26 and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as  
27 appropriate. Individual expenses of five thousand dollars (\$5,000) or less, including per diem,  
28 travel, and subsistence expenses of members of the Commission, shall be paid upon  
29 authorization of the Chair of the Commission. Individual expenses in excess of five thousand  
30 dollars (\$5,000) shall be paid upon written approval of the President Pro Tempore of the Senate  
31 and the Speaker of the House of Representatives.

32       **SECTION 8.(c)** With approval of the Legislative Services Commission, the  
33 Legislative Services Officer shall assign professional and clerical staff to assist the Commission  
34 in its work during the interims between legislative sessions. The Directors of Legislative  
35 Assistants of the House of Representatives and the Senate shall assign clerical staff to the  
36 Commission. The Commission may contract for additional professional or consultant services  
37 in accordance with G.S. 120-32.02.

38       **SECTION 9.(a)** The Commission shall make an initial report of the results of its  
39 study to the State Board of Education by March 1, 2010. In its report, the Commission shall  
40 recommend at least four of the 16 career clusters identified by the United States Department of  
41 Education that will best and most broadly serve the immediate employment and workforce  
42 preparation needs of the State and the respective regions. Upon consideration of the  
43 recommendations of the Commission, the State Board of Education, in consultation with the  
44 Department of Public Instruction, shall develop the instructional programs for at least four  
45 career clusters and shall implement at least one JOBS Early or Middle College in each of the  
46 economic development regions beginning with the 2010-2011 school year where feasible, and  
47 in all other regions by the 2011-2012 school year.

48       **SECTION 9.(b)** The Commission may make recommendations resulting from its  
49 study to the State Board of Education and the Department of Public Instruction from time to  
50 time in its discretion.

1           **SECTION 9.(c)** The Commission shall monitor the implementation of its  
2 recommendations to the State Board of Education and the Department of Public Instruction,  
3 and shall report and recommend to the General Assembly any legislation necessary to  
4 implement its recommendations.

5           **SECTION 9.(d)** The Commission shall make an interim report of the results of its  
6 study and its recommendations, including any proposed legislation, to the Joint Legislative  
7 Education Oversight Committee and the 2010 Regular Session of the 2009 General Assembly  
8 no later than May 15, 2010, and to the Joint Legislative Education Oversight Committee and  
9 the 2011 Regular Session of the 2011 General Assembly no later than February 1, 2011, and a  
10 final report to the Joint Legislative Education Oversight Committee and the 2012 Regular  
11 Session of the 2011 General Assembly no later than May 15, 2012. The Commission shall file  
12 a copy of each Commission report with the President Pro Tempore of the Senate's office, the  
13 Speaker of the House of Representatives' office, and the Legislative Library.

14           **SECTION 10.** The Commission shall terminate on June 30, 2012, or upon the  
15 filing of its final report in accordance with Section 9.(d) of this act.

16           **SECTION 11.** This act becomes effective when it becomes law.



## SENATE BILL 1069: Joining Our Businesses and Schools Commission

2009-2010 General Assembly

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Committee:	House Education, if favorable, Appropriations	Date:	July 7, 2009
Introduced by:	Sen. Malone	Prepared by:	Shirley Iorio, Ph D
Analysis of:	PCS to Second Edition S1069-CSRU-12		Legislative Analyst

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**SUMMARY:** *The Proposed Committee Substitute (PCS) to Senate Bill 1069 would create a Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission.*

*The PCS makes technical and clarifying changes, reduces the Governor's appointments, increases the legislative appointments, and adds a termination date.*

*The PCS to Senate Bill 1069 has a serial referral to Appropriations.*

[As introduced, this bill was identical to H1038, as introduced by Reps. Glazier, Parmon, McLawhorn, Yongue, which is currently in House Appropriations.]

**BILL ANALYSIS:** The PCS to SB1069 would establish a 20-member Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission (Commission). The Commission members would be as follows:

- The Lieutenant Governor serving as the Chair;
- Two members appointed by the Governor;
- Eight members appointed by the President Pro Tempore of the Senate, to include:
  - Three members of the Senate, one of whom shall serve as a vice-chair;
  - A representative of The University of North Carolina.
  - A representative of the Department of Public Instruction.
  - A representative of North Carolina's business and industry.
  - A public school teacher.
  - An individual with expertise in STEM education.
- Eight members appointed by the Speaker of the House of Representatives, to include:
  - Three members of the House of Representatives, one of whom shall serve as a vice-chair;
  - A representative of the Community College System.
  - A representative of the Independent Colleges and Universities.
  - A representative of the Department of Commerce.
  - A representative of North Carolina's business and industry.
  - A representative of North Carolina's school superintendents.

# Senate Bill 1069

Page 2

- The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

The Commission would study issues related to economic development through innovative schools where instructional program frameworks would reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers.

The Commission would also study issues related to economic growth including ensuring that students gain the skills they need by taking science, technology, engineering, math and other rigorous courses.

The Chair would appoint from the Commission's membership a NC STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure that the efforts of the Commission and the Community Collaborative are aligned.

The Commission would prioritize and customize the career clusters and identify additional career paths, and report its recommendations to the State Board. The Commission would also advise the North Carolina Education Cabinet and specifically the Department of Public Instruction (DPI) as they develop, incrementally, standard instructional programs for career clusters and their corresponding career paths according to the Early and Middle College model, and would study the implementation of pilot programs in the seven economic development regions of the State.

The Commission would meet at least once in each economic development region within the first eight months of its creation. The Commission would work closely with the business community across the State to encourage businesses and business leaders to partner with the Commission on their work and to establish public-private partnerships with the pilot schools. The Chair could also appoint an advisory committee in each economic development region to assist the Commission in its work.

The University of North Carolina would inform the Commission about its extensive work on the elementary and middle school fundamental building blocks for secondary STEM success, and the North Carolina STEM program inventory.

The Legislative Services Commission could accept grants on behalf of the State to help defray the cost of meetings, travel and other expenses of the Commission. Any grant funds received would be held by the General Assembly in a non-reverting special fund known as the JOBS Commission Fund to be administered by the Legislative Services Commission for expenses of the Commission.

By March 1, 2010, the Commission would make an initial report on the results of its study to the State Board of Education. The report would include the Commission's recommendation for at least four of the 16 career clusters identified by the United State Department of Education that would best and most broadly serve the immediate employment and workforce preparation needs of the State and the respective regions. Upon consideration of the Commission's recommendations, the State Board and DPI would develop the instructional programs for at least four career clusters and would implement at least one JOBS Early or Middle College High School in each of the economic development regions beginning with the 2010-2011 school year where feasible and in all other regions by the 2011-2012 school year.

The Commission would monitor the implementation of its recommendations to the State Board and would report annually to the General Assembly and the Joint Legislative Education Oversight Committee its recommendations for any legislation needed to implement its recommendations. The Commission would terminate on June 30, 2012, or upon the filing of its final report.

**EFFECTIVE DATE:** The act would become effective when it becomes law.

*S1069-SMSF-92(CSRU-12) v3*

# GENERAL ASSEMBLY OF NORTH CAROLINA



## Legislative Fiscal Note

**BILL NUMBER:** Senate Bill 1069 (Third Edition)

**SHORT TITLE:** Joining Our Businesses and Schools Commission.

**SPONSOR(S):** Senator Malone

### FISCAL IMPACT

Yes (X)      No ( )      No Estimate Available ( )

FY 2009-10   FY 2010-11   FY 2011-12   FY 2012-13   FY 2013-14

#### REVENUES

-      -      -      -      -

#### EXPENDITURES

**General Assembly:**      \$49,156.70      \$27,309.28      \$27,309.28      -      -

(\*Note: This is the minimum cost and assumes 9 meetings in FY 2009-10 and 5 meetings in FY 2010-11 and FY 2011-12; see "Assumptions & Methodology")

**Department of Public Instruction:**      No Fiscal Impact\*

(\*Note: see "Assumptions & Methodology")

**POSITIONS (cumulative):** N/A

#### PRINCIPAL DEPARTMENT(S) &

**PROGRAM(S) AFFECTED:** General Assembly, Department of Public Instruction

**EFFECTIVE DATE:** This act becomes effective when it becomes law.

#### BILL SUMMARY:

Senate Bill 1069 is substantively identical to House Bill 1038.

The proposed legislation establishes the JOBS (Joining Our Businesses and Schools) Commission in the General Assembly. The Commission membership includes: (1) the Lieutenant Governor serving as the Chair; (2) two members appointed by the Governor (3); eight members appointed by the Speaker of the House of Representatives to include three members of the House of Representatives, with one designated to serve as a vice chair, a representative of the Community College System, a representative of the Independent Colleges and Universities, a representative of the Department of Commerce, a representative of North Carolina's business and industry, and a representative of North Carolina's school superintendents; (4) eight members appointed by the President Pro Tempore of the Senate to include three members of the Senate, with one designated



to serve as a vice chair, a representative of the University of North Carolina, a representative of the Department of Public Instruction, a representative of North Carolina's business and industry, a public school teacher, and an individual with expertise in STEM education; and (5) the Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

The proposed legislation states that members of the Commission will serve a three-year term, beginning on July 1, 2009. The terms for members of the House of Representatives or the Senate will end upon the expiration of the members' legislative term. The proposed legislation also states that members will serve at the pleasure of the appointing authority, vacancies will be filled by the same appointing authority who made the initial appointment, and a vice chair will serve as chair in the absence of the chair.

The proposed legislation directs the Commission to study issues related to economic development through innovative schools where instructional program frameworks reflect the high academic standards required of schools to be successful as they transition to postsecondary education and future careers. The proposed legislation also directs the Commission to study issues related to economic growth by the creation of measures and metrics which define readiness of a community to deliver, to all stakeholders, the services that equip the workforce to be competitive in a STEM intensive economy. The proposed legislation directs the Chair to appoint from the Commission's membership a North Carolina STEM Community Collaborative Advisory Committee.

The purpose of the Commission is to advise the North Carolina Education Cabinet and specifically the Department of Public Instruction (DPI) as they develop, incrementally, standard instructional programs for career clusters and their corresponding career paths in accordance with the Early/Middle College model. The Commission must also study the implementation of pilot programs in the seven economic development regions. The proposed legislation directs the Commission to meet at least once in each of the state's economic development regions within the first eight months that it is created. The Chair may appoint a volunteer advisory committee in each economic development region to assist the Commission in its work.

The expenses of the Commission will be paid by the Legislative Services Commission from available funds appropriated to the General Assembly. However, the Commission may use any and all appropriate technology to enhance participation and defray costs. Also, the Legislative Services Commission may accept grants on behalf of the State to be used to help defray the expenses of the Commission. Any application and receipt of grants will be subject to the requirements of Chapters 120C and 138A of the General Statutes and Article 14 of Chapter 120 of the General Statutes. Any grants funds received will be held by the General Assembly in a non-reverting special fund known as the JOBS Commission Fund to be administered by the Legislative Services Commission. Any remaining funds in the JOBS Commission Fund will transfer to the reserves of the General Assembly upon termination of the Commission.

Furthermore, the proposed legislation states that individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Commission will be paid upon authorization of the Chair of the Commission. Individual expenses exceeding \$5,000 will be paid upon written approval of the President Pro Tempore of the Senate and Speaker of the House of

Representatives. The proposed legislation provides additional criteria regarding the scope and purpose of the Commission's study.

The proposed legislation directs the Commission to make an initial report to the State Board of Education (SBE) by March 1, 2010 that contains recommendations of at least four of the DOE's 16 career clusters that will best, and most broadly, serve the immediate needs of the state and the respective regions. The proposed legislation also directs SBE, in consultation with DPI to develop the instructional programs for at least four career clusters and implement at least one JOBS Early or Middle College in each of the economic development regions beginning with the 2010-2011 school year where feasible and in all other regions by the 2011-1012 school year.

After submitting its March 1, 2010, report, the Commission may make recommendations resulting from its study to SBE and DPI from time to time, monitor the implementation of its recommendations, and report and recommend to the General Assembly any legislation necessary to implement its recommendations. The proposed legislation also directs the Commission to make an interim report of the results of its study and its recommendations, including any proposed legislation, to the Joint Legislative Education Oversight Commission and the 2010 Regular Session of the 2009 General Assembly no later than May 15, 2010, and to the Joint Legislative Education Oversight Committee and the 2011 Regular Session of the 2011 General Assembly no later than February 1, 2011, and a final report to the Joint Legislative Education Oversight Committee and the 2012 Regular Session of the 2011 General Assembly no later than May 15, 2012. The proposed legislation states that the Commission shall terminate on June 30, 2012, or upon the filing of its final report.

#### **ASSUMPTIONS AND METHODOLOGY:**

##### **General Assembly**

The proposed bill requires the Commission to meet at least once in each of the seven economic development regions within the first eight months of its creation, and the Commission may use any and all appropriate technology to enhance participation and defray costs. Therefore, the members of the Commission may choose to hold a teleconference or work from home to defray costs. The proposed bill also allows the Commission to accept grants. However, the proposed legislation states that the expenses of the Commission will be paid by the Legislative Services Commission from available funds appropriated to the General Assembly.

In terms of the number of meetings, the Commission could meet at least 9 times in FY 2009-10, which would include 7 required meetings in each economic development region, as well as one planning meeting and one concluding meeting before reporting on May 15, 2010. In FY 2010-11, the Commission could meet a minimum of 5 times every other month between August 1, 2010 and February 1, 2011, when the interim report is due. In FY 2011-12, the Commission could meet a minimum of 5 times between August 1, 2011, and May 15, 2012, when the final report is due.

Therefore, in the absence of expressed direction, this estimate assumes:

- 1) The two members appointed by the Governor will be non-legislative members; and
- 2) The Commission will adopt a one-day schedule with a minimum of 19 total meetings.

On this basis, the estimated minimum cost of 19 meetings is \$103,775.25 (see chart below). Since the meetings would be spread over the next three years, the minimum cost for 9 meetings in FY 2009-10 is \$49,156.70, 5 meetings in FY 2010-11 is \$27,309.28, and 5 meetings in FY 2011-12 is \$27,309.28.

<b>Study Commission Budget Estimate</b>	<b>Minimum Cost of 19 MEETINGS</b>
<b>Legislative Members Subsistence</b> \$104.00 Legislative Subsistence X 6 Number of Legislative members X 1.5 Half of Members using Two Days of Subsistence	<b>\$17,784.00</b>
<b>Legislative Members Travel Expenses</b> \$58.00 Round Trip Reimbursement 230 miles is an Average per Member based on the Total Certified Round Trip Mileage X 6 Number of Legislative Members	<b>\$6,612.00</b>
<b>Non-Legislative Members Subsistence</b> \$112.75 Non-Legislative Members Subsistence \$97.75 Daily Per Diem Rate Plus \$15 Committee Per Diem Rate (GS138-5) X 14 Number of Non-Legislative Members X 1.5 Half of Non-Legislative Members using Two Day Subsistence	<b>\$44,987.25</b>
<b>Non-Legislative Member Travel Expenses</b> \$66.00 Round Trip Reimbursement 230 miles is an Average per Member based on the Total Certified Round Trip Mileage X 14 Number of Non-Legislative Members	<b>\$17,556.00</b>
<b>Clerical Staff</b> \$794.00 Average Salary with Benefits for 5 day work week Average Weekly Wages for LA, CAI, CAII & CAIII with Fringes Added.	<b>\$15,086.00</b>
<b>Professional Staff</b>	<b>\$0.00</b>
<b>Special Travel and Expenses</b>	<b>\$0.00</b>
<b>Postage and Telephone Expenses</b>	<b>\$500.00</b>
<b>Supplies</b>	<b>\$250.00</b>
<b>Coping and Printing</b>	<b>\$1,000.00</b>
<b>Total</b>	<b>\$103,775.25</b>

*Budget Estimate Template source: General Assembly's Controller Office*

In terms of the General Assembly's budget for FY 2009-10 and FY 2010-11, there is no funding for independent studies. Therefore, funding would need to be appropriated to support the Commission.

#### **Department of Public Instruction**

This bill places two obligations on the Department of Public Instruction (DPI) and/or local educational agencies (LEAs):

1. Development of the curriculum for the career clusters recommended by the Commission; and
2. Conversion of existing Early/Middle College high schools to JOBS Early/Middle College in each of the economic development regions as recommended by the commission.

There is no fiscal impact related to either of these obligations.

#### **Development of Curriculum**

There would be no fiscal impact associated with curriculum development. Beginning with the freshman class of 2009-2010, North Carolina students must meet Future Ready Core graduation requirements. To qualify as a CTE concentrator for graduation and for federal reporting purposes, students must earn four credits within one of the 16 Career Clusters. As such, career cluster curricula already exist in accordance with North Carolina's CTE Standard Course of Study and graduation requirements, and would not need to be developed.

#### **Implementation of JOBS Early/Middle Colleges**

There would also be no fiscal impact in converting existing Early/Middle College high schools to JOBS Early/Middle College high schools. In certain other instances when high schools have undergone a conversion or reorganization, the high school has received one-time planning money to enact the conversion from State or other sources. However, this bill does not *require* any money to be spent on planning. Additionally, the Commission's report will contain much of the information required to implement such a high school conversion.

**SOURCES OF DATA:** General Assembly, Department of Public Instruction

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

**PREPARED BY:** Sarah Poteat

Kristopher Nordstrom

**APPROVED BY:**

Marilyn Chism, Director  
Fiscal Research Division

**DATE:** July 7, 2009



Signed Copy Located in the NCGA Principal Clerk's Offices

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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2

**SENATE BILL 1069  
Education/Higher Education Committee Substitute Adopted 5/6/09**

Short Title:   Joining Our Businesses and Schools Commission.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS)  
COMMISSION.

Whereas, the Innovative Education Initiatives Act became law in 2003; and

Whereas, as a result of this act, 52 Early and Middle College programs have been developed as a collaboration between the public schools, the community colleges, and private business; and

Whereas, these schools have generally evidenced a decrease in their dropout rates and, as a result, have won national awards; and

Whereas, North Carolina has seven identified economic development regions, each with its own challenges in today's changing and demanding job market; and

Whereas, North Carolina has numerous innovative public and private programs based in Science, Technology, Engineering, and Mathematics (STEM); and

Whereas, to be efficient with the taxpayers' dollars, to continue to increase the graduation rate, and to prepare our students for twenty-first century jobs, it would be beneficial to map these innovative education programs, including the development of additional Early and Middle College programs and STEM programs, and other public and private education programs that have instructional programs that prepare students to meet the particular employment and workforce preparation needs of the respective economic development regions. In addition, it would be beneficial to develop curriculum frameworks that reflect innovative design principles in some of these schools that would address both regional and statewide employment needs; and

Whereas, the United States Department of Education has identified 16 career clusters as a tool to connect career technical education (CTE) to education, workforce preparation, and economic development; and

Whereas, the North Carolina STEM Community Collaborative/MCNC is supporting the creation of a replicable community visioning process, engaging business, policy, education, and community stakeholders in mapping their local needs and producing a plan for sustainable, local education innovation based in science, technology, engineering, and mathematics; and

Whereas, it would be beneficial to position each region and the State to compete in the regional, national, and global economy by creating a commission to review the vision plans and overall needs of each economic development region as well as the overall needs of the State; and

Whereas, the Commission should advise the North Carolina Education Cabinet and specifically the Department of Public Instruction as they develop standard instructional programs for twenty-first century career paths in accordance with the Early and Middle College and STEM models and monitor the implementation of pilot programs in these respective



regions that will best suit the potential of the region and better prepare students for the increased academic demands of a global economy; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the JOBS (Joining Our Businesses and Schools) Commission (Commission).

**SECTION 2.** The Commission shall consist of the following members:

- (1) The Lieutenant Governor serving as the Chair.
- (2) Four members appointed by the Governor.
- (3) Seven members appointed by the Speaker of the House of Representatives, to include:
  - a. Two members of the House of Representatives.
  - b. A representative of the Community College System.
  - c. A representative of the Independent Colleges and Universities.
  - d. A representative of the Department of Commerce.
  - e. A representative of North Carolina's business and industry.
  - f. A representative of North Carolina's school superintendents.
- (4) Seven members appointed by the President Pro Tempore of the Senate, to include:
  - a. Two members of the Senate.
  - b. A representative of The University of North Carolina.
  - c. A representative of the Department of Public Instruction.
  - d. A representative of North Carolina's business and industry.
  - e. A teacher.
  - f. An individual with expertise in STEM education.
- (5) The Executive Director of the Education Cabinet or the Executive Director's designee, serving ex officio.

**SECTION 3.** The Commission shall study issues related to economic development through innovative schools where instructional program frameworks reflect the high academic standards required of students to be successful as they transition to postsecondary education and future careers, including:

- (1) Technical and vocational needs of each economic development region;
- (2) Employment and workforce preparation needs of the State as a whole;
- (3) The economic vision plans for each economic development region;
- (4) The shortage of highly skilled employees such as technicians, teachers, allied health practitioners, including, but not limited to, nurses and doctors, scientists, and engineers;
- (5) The 16 career clusters identified by the United States Department of Education as well as additional career paths;
- (6) The development of a framework for assessment of readiness of a community or region to support twenty-first century economic demands of business and industry development and the scaling of innovative local programs to impact broader numbers of individuals in communities around the State; and
- (7) Any other matter pertinent to connecting career technical education to education, workforce preparation, and economic development through innovative schools.

The Chair shall appoint from the Commission's membership a North Carolina STEM Community Collaborative Advisory Committee (Community Collaborative) to ensure that the efforts of the Commission and the Community Collaborative are aligned and that the Commission is informed of the Community Collaborative's activities and that the Community Collaborative is informed of the Commission's activities.

1           **SECTION 4.** The Commission shall (i) advise the North Carolina Education  
2 Cabinet and specifically the Department of Public Instruction as they develop, incrementally,  
3 standard instructional programs for career clusters and their corresponding career paths in  
4 accordance with the Early and Middle College model, and (ii) monitor the implementation of  
5 pilot programs in the seven economic development regions of the State that will best suit the  
6 needs of the regions and prepare students for the increased academic demands of a global  
7 economy.

8           **SECTION 5.** The Commission shall also study issues related to economic growth  
9 by the creation of measures and metrics which define the readiness of a community to deliver,  
10 to all stakeholders, the services that equip the workforce to be competitive in a STEM-intensive  
11 economy, including ensuring that students throughout the education pipeline gain the skills  
12 learned from science, technology, engineering, math, and other rigorous subjects. As a part of  
13 its study, the Commission may examine issues related to:

- 14           (1) A replicable and perpetual model for aligning efforts of local business,  
15 industry, policy, and education stakeholders in community engagement for  
16 visioning student-centered learning;
- 17           (2) The documentation and study of the innovative education programs critical  
18 for communities to be competitive in the STEM environment in the  
19 twenty-first century;
- 20           (3) A framework to network these economic development regions, aligning  
21 State, regional, and external investment in replicable innovation;
- 22           (4) Opportunities to leverage existing research, programs such as the College  
23 Foundation of North Carolina Bridges program, and other resources to  
24 maximize the impact of these existing resources and assets to avoid  
25 duplication, to achieve greater economies of scale, and to broaden the impact  
26 of these efforts by the most cost-effective means possible; and
- 27           (5) Any other topics deemed relevant by the Commission.

28           **SECTION 6.** The Commission shall, within the first eight months of its creation,  
29 meet at least once in each economic development region. The Chair may appoint an advisory  
30 committee in each economic development region to assist the Commission in its work.

31           The Commission shall work closely with the business community across the State  
32 and shall encourage businesses and business leaders to partner with the Commission on the  
33 work of the Commission and to establish public-private partnerships with the pilot schools.

34           The Commission shall be informed by the extensive work of The University of  
35 North Carolina on the elementary and middle school fundamental building blocks for  
36 secondary STEM success. This work should be a consideration for all communities which  
37 engage in visioning student-centered learning. The Commission shall also be informed by the  
38 North Carolina STEM program inventory conducted by The University of North Carolina and  
39 make this inventory available to communities which engage in visioning student-centered  
40 learning.

41           The Commission may accept grants and donations to help defray the cost of travel  
42 on a learning tour of innovative schools both inside and out of the State subject to the  
43 requirements of G.S. 138A, G.S. 120C, and Article 14 of Chapter 120 of the General Statutes.

44           **SECTION 7.** The Commission shall report the results of its study to the State  
45 Board of Education by March 1, 2010. In its report, the Commission shall recommend at least  
46 four of the 16 career clusters identified by the United States Department of Education that will  
47 best and most broadly serve the immediate employment and workforce preparation needs of the  
48 State and the respective regions. The State Board of Education, in consultation with the  
49 Department of Public Instruction, shall develop the instructional programs for the  
50 recommended career clusters and shall implement beginning with the 2010-2011 school year at

1 least one JOBS Early or Middle College in each of the economic development regions as  
2 recommended by the Commission.

3 After submitting its March 1, 2010, report, the Commission shall continue to  
4 prioritize and customize the remaining career clusters and identify additional career paths, and  
5 shall report their additional recommendations to the State Board of Education by April 1, 2010.

6 **SECTION 8.** Members of the Commission shall receive per diem, subsistence, and  
7 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The  
8 Commission, while in the discharge of its official duties, may exercise all powers provided for  
9 under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at  
10 anytime upon the call of the Chair. The Commission may meet in the Legislative Building or  
11 the Legislative Office Building.

12 With approval of the Legislative Services Commission, the Legislative Services  
13 Officer shall assign professional staff to assist the Commission in its work. The House of  
14 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
15 the Commission, and the expenses relating to the clerical employees shall be borne by the  
16 Commission. The Commission may contract for professional, clerical, or consultant services as  
17 provided by G.S. 120-32.02. If the Commission hires a consultant, the consultant shall not be a  
18 State employee or a person currently under contract with the State to provide services.

19 All State departments and agencies and local governments and their subdivisions  
20 shall furnish the Commission with any information in their possession or available to them.

21 **SECTION 9.** The Commission shall report the results of its study and its  
22 recommendations to the 2010 Regular Session of the 2009 General Assembly and to the Joint  
23 Legislative Education Oversight Committee no later than May 15, 2010.

24 **SECTION 10.** This act becomes effective July 1, 2009.



# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**July 7, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Yeya Love</b>	<b>Wake</b>	<b>Stam</b>
<b>Dominique Solomon</b>	<b>Johnston</b>	<b>Daughtry</b>
<b>Janay Moore</b>	<b>Wake</b>	<b>Wainwright</b>
<b>Skye Hankins</b>	<b>Wake</b>	<b>Stam</b>
<b>Bryan Wimberly</b>	<b>Durham</b>	<b>Michaux</b>

## **SGT-AT-ARMS**

**John Brandon**

**Marvin Lee**

**Martha Parrish**

**Trey Riley**

**Judy Turner**

## **ASSISTANT**

**Thelma Utley**

**Carolyn Edwards**

**HOUSE EDUCATION COMMITTEE**  
**643 Legislative Office Building**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, July 14, 2009**

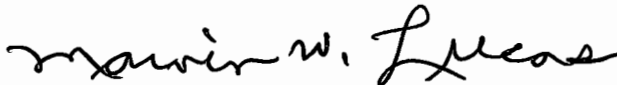
**Representative Lucas declared a quorum, called the meeting to order, thanked everyone for coming and introduced the House pages and sergeant-at-arms (list attached and also attendance and visitor registration sheets), staff, and a group of pages from the Governor's office.**

**SB 1028 Volunteers to Support Acad. Success in School – Senator Albertson sponsor. Representative Womble move the PCS is properly before the Committee. Representative Bell is called on to explain the bill. There were several comments and questions from the Committee. Representative Tarleton moves for a favorable report to the proposed committee substitute, unfavorable to the original bill. The Committee concurs and the bill passes.**

**SB 860 Student Protection Fund/Proprietary Schools – Senator Clodfelter is the sponsor. Representative Lucas relinquishes the gavel so that he may explain the bill. Representative Lucas moves to amend the bill on page 1, lines 13 and 14. Ms. Iorio explains the amendment. Representative Blackwood moves to accept the amendment. The motion passes. Representatives Lucas and Pryor Gibson explained the bill. There were many, many comments and questions from Committee members, Kenneth Briggs, Executive Vice President, NCCCS, and Thomas Moore. Representative Insko moves for a favorable report as amended, rolled into a committee substitute, unfavorable report to the original bill and that the committee substitute be re-referred to the Finance Committee. The Committee concurs and the bill passes.**

**Meeting adjourned.**

**Respectfully submitted,**



**Marvin W. Lucas**  
**Chair**



**Thelma T. Utley**  
**Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, April 14, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:** Remove HB 161

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 161	Require Six-Year-Olds to Attend School.	Representative Glazier Representative Bryant Representative Parmon Representative Rapp
HB 218	Parent & Student Educational Involvement Act.	Representative Glazier Representative Bryant Representative Ross Representative Weiss
HB 817	Establish NC Financial Literacy Council.	Representative Tillis Representative Glazier Representative Howard Representative Wainwright
HB 856	Modify Charter School Law.	Representative Lucas Representative Bell Representative Yongue Representative Wiley
HB 1029	Impact of Student Mobility on Academic Perf.	Representative Folwell Representative Glazier Representative Wiley Representative Parmon

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at

**9:30 on April 14, 2009.**

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma T. Utley (Committee Assistant)**

# VISITOR REGISTRATION SHEET

~ EDUCATION ~

July 14, 2009


Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Jennifer Willis	NCCCS
Unaiza Riaz	MWC
Emily Doyle	NCPAPA
Katherine Joyce	NCASA
Chris Minard	ISBE
Thomas Udo	Ex-Lite: Udo
Chuck Hawkins	NIC CAT
Peyta Magnum	
Gene Carlsby	NCSCA
Lin Malouell	NCICU
T.S.L.	Rep. Dan Young office

## VISITOR REGISTRATION SHEET

EDUCATION

July 14, 2009

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Kenneth Baigt

NCCCS

John Pettitt

NCCCS

Jim Stegall

UCPS

Conor Brockett

NCSBA

WCBS

Jonathan Rhymer

Lincolnton

Emily Wellcome

TPG

## VISITOR REGISTRATION SHEET

## EDUCATION

July 14, 2009

**Name of Committee**

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

**FIRM OR AGENCY AND ADDRESS**[illegible]

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**

**Tuesday, July 14, 2009**

**11:00 am**

**643 LOB**

**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

<b>SB 860</b>	<b>Student Protection Fund/Proprietary Schools.</b>	<b>Senator Clodfelter</b>
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<b>SB 1028</b>	<b>Volunteers to Support Acad. Success in School.</b>	<b>Senator Albertson</b>
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**Adjournment**



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute # 2 for

**SB 860** A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill 2 and recommendation that the House committee substitute bill be re-referred to the Committee on FINANCE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

S

D

SENATE BILL 860\*

Education/Higher Education Committee Substitute Adopted 6/17/09

Finance Committee Substitute Adopted 7/2/09

PROPOSED HOUSE COMMITTEE SUBSTITUTE S860-PCS55475-SF-49

Short Title: Student Protection Fund/Proprietary Schools.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-93(c) is amended by adding two subdivisions to read:

"(10) That the applicant for or a holder of a license has failed to provide a required bond or bond alternative.

(11) That the applicant for or holder of a license has failed to pay assessments into the Student Protection Fund."

**SECTION 2.** G.S. 115D-95 reads as rewritten:

**"§ 115D-95. Bonds required.**

(a) Requirement. – An applicant for a license must comply with the bond requirements in this section. The bond covers the potential loss by students of the school of prepaid tuition and other payments made by them that could occur if the school fails, for any reason, to fulfill its obligations to them to provide instruction, services, or goods for which the students have paid tuition and other charges. Reasons for failure include the suspension, revocation, or nonrenewal of the school's license, bankruptcy, foreclosure, or termination of operations. A guaranty bond is required for each school that is licensed to operate: Provided, however, a school that is unable to secure a bond may, with the consent of the State Board of Community Colleges, provide an alternative to a guaranty bond, as provided in subsection (c) of this section.

~~The State Board may revoke the license of a school that fails to maintain a bond or an alternative to a bond, pursuant to this section.~~

(b) Amount. – An applicant for a license must file a bond with the North Carolina State Board of Community Colleges executed by the applicant as a principal and by a bonding company authorized to do business in this State. The bond must be payable to the State Board of Community Colleges. must be conditioned on fulfillment of the school's obligations, and must remain in effect until cancelled by the bonding company. The bonding company may cancel the bond upon 30 days' notice to the State Board of Community Colleges.

The application must set out calculations made by the applicant to determine the amount of bond required with the application. The required amount is determined as follows:



\* S 8 6 0 - P C S 5 5 4 7 5 - S F - 4 9 \*

- (1) Initial licensure. – For an applicant for initial licensure of a school, the bond amount is the amount determined by the State Board that is adequate to provide indemnification to any student, or the student's parent or guardian who has suffered a loss of tuition, fees, or any other instructional-related expenses paid to the school. A bond amount shall be at least twenty-five thousand dollars (\$25,000).
- (2) First four renewals. – For a school that has been licensed for one year but less than six years, the bond shall be in an amount equal to the greatest amount of unearned paid tuition in the school's possession at any time during the prior fiscal year. The bond amount shall be evaluated by the school quarterly and reported to the State Board or its representative. A quarterly evaluation requiring an increase of five percent (5%) or more in the amount of the bond held by the school shall require an immediate increase in the bond amount. Bond amounts also shall be evaluated pursuant to this subdivision and the rules of the State Board at the time of the school's annual license renewal and increased if necessary regardless of the amount of the change.
- (3) Schools in operation more than five years. – A guaranty bond shall be required for license renewal for a school that has been continuously licensed to operate for more than five years in the State, as follows:
- a. If the balance of the Student Protection Fund in G.S. 115D-95.1 is below the catastrophic loss amount, the school shall file a guaranty bond in an amount equal to the maximum amount of prepaid tuition held by the school during the prior fiscal year multiplied by the percentage amount the fund is deficient.
- b. If the school held prepaid tuition in excess of the Student Protection Fund catastrophic loss amount during the prior fiscal year, in addition to any bond amount required by sub-subdivision a. of this subdivision, the school shall file a guaranty bond for the difference between the prepaid tuition amount held in the previous fiscal year and the Fund catastrophic loss amount.
- ~~(1) When application is made for a license or license renewal, the applicant shall file a guaranty bond with the clerk of the superior court of the county in which the school will be located. The bond shall be in favor of the students. The bond shall be executed by the applicant as principal and by a bonding company authorized to do business in this State. The bond shall be conditioned to provide indemnification to any student, or his parent or guardian, who has suffered a loss of tuition or any fees by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of a school's license, bankruptcy, foreclosure, or the school ceasing to operate.~~
- ~~(2) The bond shall be in an amount determined by the State Board of Community Colleges to be adequate to provide indemnification to any student, or his parent or guardian, under the terms of the bond. The bond amount for a school shall be at least equal to the maximum amount of prepaid tuition held at any time during the last fiscal year by the school. The bond amount shall also be at least ten thousand dollars (\$10,000).~~
- ~~Each application for a license shall include a letter signed by an authorized representative of the school showing in detail the calculations made and the method of computing the amount of the bond, pursuant to this~~

subdivision and the rules of the State Board. If the State Board finds that the calculations made and the method of computing the amount of the bond are inaccurate or that the amount of the bond is otherwise inadequate to provide indemnification under the terms of the bond, the State Board may require the applicant to provide an additional bond.

(3) ~~The bond shall remain in force and effect until cancelled by the guarantor. The guarantor may cancel the bond upon 30 days notice to the State Board of Community Colleges. Cancellation of the bond shall not affect any liability incurred or accrued prior to the termination of the notice period.~~

(c) An applicant that is unable to secure a bond may seek a waiver of the guaranty bond from the State Board of Community Colleges and approval of one of the guaranty bond alternatives set forth in this subsection. With the approval of the State Board, an applicant may ~~file with the clerk of the superior court of the county in which the school will be located, obtain~~ in lieu of a bond:

(1) An assignment of a savings account in an amount equal to the bond required (i) which is in a form acceptable to the State Board of Community Colleges; (ii) which is executed by the applicant; and (iii) which is executed by a state or federal savings and loan association, state bank, or national bank, that is doing business in North Carolina and whose accounts are insured by a federal depositors corporation; and (iv) for which access to the account in favor of the State of North Carolina is subject to the same conditions as for a bond in subsection (b) of this section.

(2) A certificate of deposit (i) which is executed by a state or federal savings and loan association, state bank, or national bank, which is doing business in North Carolina and whose accounts are insured by a federal depositors corporation; and (ii) which is either payable to the State of North Carolina, unrestrictively endorsed to the State Board of Community Colleges; in the case of a negotiable certificate of deposit, is unrestrictively endorsed to the State Board of Community Colleges; or in the case of a nonnegotiable certificate of deposit, is assigned to the State Board of Community Colleges in a form satisfactory to the State Board; and (iii) for which access to the certificate of deposit in favor of the State of North Carolina is subject to the same conditions as for a bond in subsection (b) of this section."

SECTION 3. G.S. 115D-96 reads as rewritten:

"§ 115D-96. Operating school without license or bond made misdemeanor.

Any person, or each member of any association of persons or each officer of any corporation who opens and conducts a proprietary business school, a proprietary technical school, a proprietary trade school, or a correspondence school, without first having obtained the license herein required, and without first having executed the ~~bond required, bond, paid the assessments into the Student Protection Fund, or both, as required by law,~~ shall be guilty of a Class 3 misdemeanor, and each day said ~~the~~ school continues to be open and operated shall constitute a separate offense."

SECTION 4. Chapter 115D of the General Statutes is amended by adding a new section to read:

"§ 115D-95.1. Student Protection Fund.

(a) Definitions. – As used in this section:

(1) "Catastrophic loss amount" means the amount of funds required to protect prepaid student tuition in case of a large-scale event that would draw against the Student Protection Fund. The amount is one million dollars (\$1,000,000).

(2) "Fund cap amount" means the catastrophic loss amount plus a reserve amount. The amount is one million five hundred thousand dollars (\$1,500,000).

(b) Student Protection Fund. – The Student Protection Fund is established in the Department of State Treasurer as a statewide fee-supported fund. Interest accruing to the Fund is credited to the Fund. The State Board of Community Colleges administers the Fund. The purpose of the Fund is to compensate students enrolled in a proprietary school licensed under this Article who have suffered a loss of tuition, fees, or any other instructional-related expenses paid to the school by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of a school's license, bankruptcy, foreclosure, or the school ceasing to operate.

(c) Student Protection Fund Advisory Committee. – The President of the North Carolina Community College System shall appoint a Student Protection Fund Advisory Committee. Members of the Committee shall be appointed for terms of three years. The Committee shall advise the State Board of Community Colleges on matters related to the Fund, including, but not limited to, the adjustment of the catastrophic loss amount and Fund cap amount.

The Committee shall consist of seven members as follows:

(1) Three professional staff members of the Community Colleges System Office.

(2) An owner/director of a proprietary school with less than 100 students, or the owner/director's designee.

(3) An owner/director of a proprietary school with between 100 and 750 students, or the owner/director's designee.

(4) An owner/director of a proprietary school or group of proprietary schools with more than 750 students, or the owner/director's designee.

(5) An owner/director of a proprietary school appointed at large, or the owner/director's designee.

(d) Initial Payment. – Prior to its first year of operation in the State, each proprietary school shall pay an initial amount of one thousand two hundred fifty dollars (\$1,250) into the Fund.

(e) Annual Revenue Payment. – Each proprietary school operating in the State shall pay annually into the Fund an amount based on its annual gross tuition revenue generated in the State as follows:

<u>Annual Gross Tuition Revenue</u>	<u>Amount of Assessment</u>
<u>\$1.00 – \$25,000</u>	<u>\$200.00</u>
<u>\$25,001 – \$50,000</u>	<u>\$250.00</u>
<u>\$50,001 – \$100,000</u>	<u>\$300.00</u>
<u>\$100,001 – \$200,000</u>	<u>\$400.00</u>
<u>\$200,001 – \$300,000</u>	<u>\$500.00</u>
<u>\$300,001 – \$400,000</u>	<u>\$600.00</u>
<u>\$400,001 – \$500,000</u>	<u>\$700.00</u>
<u>\$500,001 – \$750,000</u>	<u>\$1,000</u>
<u>\$750,001 – \$1,000,000</u>	<u>\$1,250</u>
<u>\$1,000,001 – \$1,500,000</u>	<u>\$1,500</u>
<u>\$1,500,001 – \$2,000,000</u>	<u>\$2,000</u>
<u>Greater than \$2,000,000</u>	<u>\$2,000 plus one-twentieth of one percent (.05%) of annual gross tuition revenue over \$2,000,000.</u>

(f) Suspension of Payments. – If the Student Protection Fund balance is equal to or exceeds the Fund cap amount, the State Board of Community Colleges shall suspend payments into the Fund for schools that have been continuously licensed in the State for more than eight years. The State Board shall require schools to resume payments into the Fund if the balance of the Fund is less than the catastrophic loss amount.

(g) Catastrophic Assessments. – If claims against the Student Protection Fund exceed the catastrophic loss amount, the State Board of Community Colleges may assess additional fees to the extent necessary to compensate students qualified for repayment under the Fund. The amount of the catastrophic assessment shall not exceed one-half of the amount of the annual revenue payment required by subsection (e) of this section. If the amount of the catastrophic assessment will be insufficient to cover qualified claims, the State Board shall develop a method of allocating funds among claims.

(h) Payment Required for Proprietary School Licensure. – The full and timely payment into the Fund pursuant to this section is a condition of licensure.

(i) Payments Nonrefundable. – No payment to the Student Protection Fund shall be refunded in the event that a school's license application is rejected or a school's license is suspended or revoked.

(j) Student Repayment. – A student, or the student's parent or guardian, who has suffered a loss of tuition, fees, or any other instructional-related expenses paid to a proprietary school licensed under this Article by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of a school's license, bankruptcy, foreclosure, or the school ceasing to operate, may qualify for repayments under the Student Protection Fund. The State Board of Community Colleges first must issue repayment from the bonds issued under G.S. 115D-95. If the Student Protection Fund is insufficient to cover the qualified claims, the State Board must develop a method of allocating funds among claims."

**SECTION 5.** In addition to the payments required under G.S. 115D-95.1, as a condition of license renewal for the 2010-2011 fiscal year, each proprietary school shall pay into the Student Protection Fund an amount based on its total enrollment for the previous calendar year as follows:

Number of Students	Amount of Assessment
0-49	\$500.00
50-99	\$1,000
100-499	\$2,000
500-999	\$3,000
1,000-1,499	\$4,000
More than 1,500	\$5,000.

Total enrollment equals the number of students enrolled on January 1, 2009; plus new starts during the calendar year plus students reentering from a period of nonattendance during the calendar year.

**SECTION 6.** This act becomes effective July 1, 2010.



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 860\*

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S860-ASF-35 [v.1]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2009

Senator \_\_\_\_\_

1 moves to amend the bill on page 1, lines 12-21, by rewriting the lines to read:

2  
3           "(a)       Requirement. – An applicant for a license must comply with the bond  
4 requirements in this section. The bond covers the potential loss by students of the school of  
5 prepaid tuition and other payments made by them that could occur if the school fails, for any  
6 reason, to fulfill its obligations to them to provide instruction, services, or goods for which the  
7 students have paid tuition and other charges. Reasons for failure include the suspension,  
8 revocation, or nonrenewal of the school's license, bankruptcy, foreclosure, or termination of  
9 operations. A guaranty bond is required for each school that is licensed to operate: Provided,  
10 however, a school that is unable to secure a bond may, with the consent of the State Board of  
11 Community Colleges, provide an alternative to a guaranty bond, as provided in subsection (c)  
12 of this section.

13       ~~The State Board may revoke the license of a school that fails to maintain a bond or an~~  
14 ~~alternative to a bond, pursuant to this section."~~  
15  
16  
17

SIGNED

*m.w. Lucas*

Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



\* S 8 6 0 - A S F - 3 5 - V - 1 \*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

3

SENATE BILL 860\*

Education/Higher Education Committee Substitute Adopted 6/17/09  
Finance Committee Substitute Adopted 7/2/09

Short Title: Student Protection Fund/Proprietary Schools.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY  
SCHOOL STUDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-93(c) is amended by adding two subdivisions to read:

"(10) That the applicant for or a holder of a license has failed to provide a required bond or bond alternative.

"(11) That the applicant for or holder of a license has failed to pay assessments into the Student Protection Fund."

**SECTION 2.** G.S. 115D-95 reads as rewritten:

**"§ 115D-95. Bonds required.**

(a) Requirement. – An applicant for a license must comply with the bond requirements in this section. The bond covers the potential loss by students of the school of prepaid tuition and other payments made by them that could occur if the school fails, for any reason, to fulfill its obligations to them to provide instruction, services, or goods for which the students have paid tuition and other charges. Reasons for failure include the suspension, revocation, or nonrenewal of the school's license, bankruptcy, foreclosure, or termination of operations. A guaranty bond is required for each school that is licensed to operate: Provided, however, a school that is unable to secure a bond may, with the consent of the State Board of Community Colleges, provide an alternative to a guaranty bond, as provided in subsection (c) of this section.

(b) Amount. – An applicant for a license must file a bond with the North Carolina State Board of Community Colleges executed by the applicant as a principal and by a bonding company authorized to do business in this State. The bond must be payable to the State Board of Community Colleges, must be conditioned on fulfillment of the school's obligations, and must remain in effect until cancelled by the bonding company. The bonding company may cancel the bond upon 30 days' notice to the State Board of Community Colleges.

The application must set out calculations made by the applicant to determine the amount of bond required with the application. The required amount is determined as follows:

(1) Initial licensure. – For an applicant for initial licensure of a school, the bond amount is the amount determined by the State Board that is adequate to provide indemnification to any student, or the student's parent or guardian who has suffered a loss of tuition, fees, or any other instructional-related expenses paid to the school. A bond amount shall be at least twenty-five thousand dollars (\$25,000).





(2) First four renewals. – For a school that has been licensed for one year but less than six years, the bond shall be in an amount equal to the greatest amount of unearned paid tuition in the school's possession at anytime during the prior fiscal year. The bond amount shall be evaluated by the school quarterly and reported to the State Board or its representative. A quarterly evaluation requiring an increase of five percent (5%) or more in the amount of the bond held by the school shall require an immediate increase in the bond amount. Bond amounts shall also be evaluated pursuant to this subdivision and the rules of the State Board at the time of the school's annual license renewal and increased if necessary regardless of the amount of the change.

(3) Schools in operation more than five years. – A guaranty bond shall be required for license renewal for a school that has been continuously licensed to operate for more than five years in the State, as follows:

a. If the balance of the Student Protection Fund in G.S. 115D-95.1 is below the catastrophic loss amount, the school shall file a guaranty bond in an amount equal to the maximum amount of prepaid tuition held by the school during the prior fiscal year multiplied by the percentage amount the fund is deficient.

b. If the school held prepaid tuition in excess of the Student Protection Fund catastrophic loss amount during the prior fiscal year, in addition to any bond amount required by sub-subdivision a. of this subdivision, the school shall file a guaranty bond for the difference between the prepaid tuition amount held in the previous fiscal year and the Fund catastrophic loss amount.

~~(1) When application is made for a license or license renewal, the applicant shall file a guaranty bond with the clerk of the superior court of the county in which the school will be located. The bond shall be in favor of the students. The bond shall be executed by the applicant as principal and by a bonding company authorized to do business in this State. The bond shall be conditioned to provide indemnification to any student, or his parent or guardian, who has suffered a loss of tuition or any fees by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of a school's license, bankruptcy, foreclosure, or the school ceasing to operate.~~

~~(2) The bond shall be in an amount determined by the State Board of Community Colleges to be adequate to provide indemnification to any student, or his parent or guardian, under the terms of the bond. The bond amount for a school shall be at least equal to the maximum amount of prepaid tuition held at any time during the last fiscal year by the school. The bond amount shall also be at least ten thousand dollars (\$10,000).~~

~~Each application for a license shall include a letter signed by an authorized representative of the school showing in detail the calculations made and the method of computing the amount of the bond, pursuant to this subdivision and the rules of the State Board. If the State Board finds that the calculations made and the method of computing the amount of the bond are inaccurate or that the amount of the bond is otherwise inadequate to provide indemnification under the terms of the bond, the State Board may require the applicant to provide an additional bond.~~

(3) ~~The bond shall remain in force and effect until cancelled by the guarantor. The guarantor may cancel the bond upon 30 days notice to the State Board of Community Colleges. Cancellation of the bond shall not affect any liability incurred or accrued prior to the termination of the notice period.~~

(c) An applicant that is unable to secure a bond may seek a waiver of the guaranty bond from the State Board of Community Colleges and approval of one of the guaranty bond alternatives set forth in this subsection. With the approval of the State Board, an applicant may ~~file with the clerk of the superior court of the county in which the school will be located, obtain~~ in lieu of a bond:

(1) An assignment of a savings account in an amount equal to the bond required (i) which is in a form acceptable to the State Board of Community Colleges; (ii) which is executed by the applicant; and (iii) which is executed by a state or federal savings and loan association, state bank, or national bank, that is doing business in North Carolina and whose accounts are insured by a federal depositors corporation; and (iv) for which access to the account in favor of the State of North Carolina is subject to the same conditions as for a bond in subsection (b) of this section.

(2) A certificate of deposit (i) which is executed by a state or federal savings and loan association, state bank, or national bank, which is doing business in North Carolina and whose accounts are insured by a federal depositors corporation; and (ii) which is either payable to the State of North Carolina, unrestrictively endorsed to the State Board of Community Colleges; in the case of a negotiable certificate of deposit, is unrestrictively endorsed to the State Board of Community Colleges; or in the case of a nonnegotiable certificate of deposit, is assigned to the State Board of Community Colleges in a form satisfactory to the State Board; and (iii) for which access to the certificate of deposit in favor of the State of North Carolina is subject to the same conditions as for a bond in subsection (b) of this section."

SECTION 3. G.S. 115D-96 reads as rewritten:

**"§ 115D-96. Operating school without license or bond made misdemeanor.**

Any person, or each member of any association of persons or each officer of any corporation who opens and conducts a proprietary business school, a proprietary technical school, a proprietary trade school, or a correspondence school, without first having obtained the license herein required, and without first having executed the ~~bond required, bond, paid the~~ assessments into the Student Protection Fund, or both, as required by law, shall be guilty of a Class 3 misdemeanor, and each day ~~said the~~ school continues to be open and operated shall constitute a separate offense."

SECTION 4. Chapter 115D of the General Statutes is amended by adding a new section to read:

**"§ 115D-95.1. Student Protection Fund.**

(a) Definitions. – As used in this section:

(1) "Catastrophic loss amount" means the amount of funds required to protect prepaid student tuition in case of a large-scale event that would draw against the Student Protection Fund. The amount is one million dollars (\$1,000,000).

(2) "Fund cap amount" means the catastrophic loss amount plus a reserve amount. The amount is one million five hundred thousand dollars (\$1,500,000).

(b) Student Protection Fund. – The Student Protection Fund is established in the Department of State Treasurer as a statewide fee-supported fund. Interest accruing to the Fund is credited to the Fund. The State Board of Community Colleges administers the Fund. The purpose of the Fund is to compensate students enrolled in a proprietary school licensed under

this Article who have suffered a loss of tuition, fees, or any other instructional-related expenses paid to the school by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment for any reason, including the suspension, revocation, or nonrenewal of a school's license, bankruptcy, foreclosure, or the school ceasing to operate.

(c) Student Protection Fund Advisory Committee. – The President of the North Carolina Community College System shall appoint a Student Protection Fund Advisory Committee. Members of the Committee shall be appointed for terms of three years. The Committee shall advise the State Board of Community Colleges on matters related to the Fund, including, but not limited to, the adjustment of the catastrophic loss amount and Fund cap amount.

The Committee shall consist of seven members as follows:

- (1) Three professional staff members of the Community Colleges System Office.
- (2) An owner/director of a proprietary school with less than 100 students, or the owner/director's designee.
- (3) An owner/director of a proprietary school with between 100 and 750 students, or the owner/director's designee.
- (4) An owner/director of a proprietary school or group of proprietary schools with more than 750 students, or the owner/director's designee.
- (5) An owner/director of a proprietary school appointed at large, or the owner/director's designee.

(d) Initial Payment. – Prior to its first year of operation in the State, each proprietary school shall pay an initial amount of one thousand two hundred fifty dollars (\$1,250) into the Fund.

(e) Annual Revenue Payment. – Each proprietary school operating in the State shall pay annually into the Fund an amount based on its annual gross tuition revenue generated in the State as follows:

<u>Annual Gross Tuition Revenue</u>	<u>Amount of Assessment</u>
<u>\$1.00 – \$25,000</u>	<u>\$200.00</u>
<u>\$25,001 – \$50,000</u>	<u>\$250.00</u>
<u>\$50,001 – \$100,000</u>	<u>\$300.00</u>
<u>\$100,001 – \$200,000</u>	<u>\$400.00</u>
<u>\$200,001 – \$300,000</u>	<u>\$500.00</u>
<u>\$300,001 – \$400,000</u>	<u>\$600.00</u>
<u>\$400,001 – \$500,000</u>	<u>\$700.00</u>
<u>\$500,001 – \$750,000</u>	<u>\$1,000</u>
<u>\$750,001 – \$1,000,000</u>	<u>\$1,250</u>
<u>\$1,000,001 – \$1,500,000</u>	<u>\$1,500</u>
<u>\$1,500,001 – \$2,000,000</u>	<u>\$2,000</u>
<u>Greater than \$2,000,000</u>	<u>\$2,000 plus one-twentieth of one percent (.05%) of annual gross tuition revenue over \$2,000,000.</u>

(f) Suspension of Payments. – If the Student Protection Fund balance is equal to or exceeds the Fund cap amount, the State Board of Community Colleges shall suspend payments into the Fund for schools that have been continuously licensed in the State for more than eight years. The State Board shall require schools to resume payments into the Fund if the balance of the Fund is less than the catastrophic loss amount.

(g) Catastrophic Assessments. – If claims against the Student Protection Fund exceed the catastrophic loss amount, the State Board of Community Colleges may assess additional fees to the extent necessary to compensate students qualified for repayment under the Fund.

1 The amount of the catastrophic assessment shall not exceed one-half of the amount of the  
2 annual revenue payment required by subsection (e) of this section. If the amount of the  
3 catastrophic assessment will be insufficient to cover qualified claims, the State Board shall  
4 develop a method of allocating funds among claims.

5 (h) Payment Required for Proprietary School Licensure. – The full and timely payment  
6 into the Fund pursuant to this section is a condition of licensure.

7 (i) Payments Nonrefundable. – No payment to the Student Protection Fund shall be  
8 refunded in the event that a school's license application is rejected or a school's license is  
9 suspended or revoked.

10 (j) Student Repayment. – A student, or the student's parent or guardian, who has  
11 suffered a loss of tuition, fees, or any other instructional-related expenses paid to a proprietary  
12 school licensed under this Article by reason of the failure of the school to offer or complete  
13 student instruction, academic services, or other goods and services related to course enrollment  
14 for any reason, including the suspension, revocation, or nonrenewal of a school's license,  
15 bankruptcy, foreclosure, or the school ceasing to operate, may qualify for repayments under the  
16 Student Protection Fund. The State Board of Community Colleges must first issue repayment  
17 from the bonds issued under G.S. 115D-95. If the Student Protection Fund is insufficient to  
18 cover the qualified claims, the State Board must develop a method of allocating funds among  
19 claims."

20 **SECTION 5.** In addition to the payments required under G.S. 115D-95.1, as a  
21 condition of license renewal for the 2010-2011 fiscal year, each proprietary school shall pay  
22 into the Student Protection Fund an amount based on its total enrollment for the previous  
23 calendar year as follows:

Number of Students	Amount of Assessment
0-49	\$500.00
50-99	\$1,000
100-499	\$2,000
500-999	\$3,000
1,000-1,499	\$4,000
More than 1,500	\$5,000.

31 Total enrollment equals the number of students enrolled on January 1, 2009, plus  
32 new starts during the calendar year plus students reentering from a period of nonattendance  
33 during the calendar year.

34 **SECTION 6.** This act becomes effective July 1, 2010.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ House Committee Substitute # 1 for

**SB 1028**

A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS.

☒ With a favorable report as to House committee substitute bill 2, unfavorable as to House committee substitute bill 1.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

S

D

SENATE BILL 1028

Education/Higher Education Committee Substitute Adopted 5/13/09

House Committee Substitute Favorable 6/11/09

PROPOSED HOUSE COMMITTEE SUBSTITUTE S1028-PCS35364-RJ-33

Short Title: Volunteers to Support Acad. Success in School.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE  
COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY  
ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES  
(CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC  
ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER  
ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP  
POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT  
SERVICES AVAILABLE TO PARENTS AND STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-207 reads as rewritten:

"§ 115C-207. Authority and responsibility of local boards of education.

Every local board of education that uses State funds to implement programs under this  
Article shall:

(1) Develop programs and plans for increased community involvement in the  
public schools based upon policies and guidelines adopted by the State  
Board of Education.

(1a) Develop policies and programs designed to encourage the use of  
community-based academic booster organizations, which may be known as  
Community Achievement Network – Developing Our Educational  
Resources (CAN DOER) organizations, to provide tutoring and other  
appropriate services to encourage and support student academic  
achievement.

(1b) Develop policies and/or procedures for approving the use of volunteer  
organizations and for approving the use of individual volunteers.

(1c) Develop policies and/or procedures designed to make information available  
to parents and students about what tutoring and other academic support  
services are available to students in the community or through school  
volunteers or other community organizations.

(2) Develop programs and plans for increased community use of public school  
facilities based upon policies and guidelines adopted by the State Board of  
Education.



\* S 1 0 2 8 - P C S 3 5 3 6 4 - R J - 3 3 \*

1           (3)   Establish rules governing the implementation of such programs and plans in  
2               its public schools and submit these rules along with adopted programs and  
3               plans to the State Board of Education for approval by the State Board of  
4               Education.

5       Programs and plans developed by a local board of education may provide for the  
6       establishment of one or more community schools advisory councils for the public schools  
7       under the board's jurisdiction and for the employment of one or more community schools  
8       coordinators. The local board of education shall establish the terms and conditions of  
9       employment for the community schools coordinators.

10      Every local board of education using State funds to implement a community schools  
11      program under this Article may enter into agreements with other local boards of education,  
12      agencies and institutions for the joint development of plans and programs and the joint  
13      expenditure of these State funds."

14           **SECTION 2.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

4

**SENATE BILL 1028  
Education/Higher Education Committee Substitute Adopted 5/13/09  
House Committee Substitute Favorable 6/11/09  
House Committee Substitute #2 Favorable 7/14/09**

Short Title: Volunteers to Support Acad. Success in School.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE  
COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY  
ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES  
(CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC  
ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER  
ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP  
POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT  
SERVICES AVAILABLE TO PARENTS AND STUDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-207 reads as rewritten:

**"§ 115C-207. Authority and responsibility of local boards of education.**

Every local board of education that uses State funds to implement programs under this  
Article shall:

- (1) Develop programs and plans for increased community involvement in the public schools based upon policies and guidelines adopted by the State Board of Education.
- (1a) Develop policies and programs designed to encourage the use of community-based academic booster organizations, which may be known as Community Achievement Network – Developing Our Educational Resources (CAN DOER) organizations, to provide tutoring and other appropriate services to encourage and support student academic achievement.
- (1b) Develop policies and/or procedures for approving the use of volunteer organizations and for approving the use of individual volunteers.
- (1c) Develop policies and/or procedures designed to make information available to parents and students about what tutoring and other academic support services are available to students in the community or through school volunteers or other community organizations.
- (2) Develop programs and plans for increased community use of public school facilities based upon policies and guidelines adopted by the State Board of Education.
- (3) Establish rules governing the implementation of such programs and plans in its public schools and submit these rules along with adopted programs and



\* S 1028 - V - 4 \*



1 plans to the State Board of Education for approval by the State Board of  
2 Education.

3 Programs and plans developed by a local board of education may provide for the  
4 establishment of one or more community schools advisory councils for the public schools  
5 under the board's jurisdiction and for the employment of one or more community schools  
6 coordinators. The local board of education shall establish the terms and conditions of  
7 employment for the community schools coordinators.

8 Every local board of education using State funds to implement a community schools  
9 program under this Article may enter into agreements with other local boards of education,  
10 agencies and institutions for the joint development of plans and programs and the joint  
11 expenditure of these State funds."

12 **SECTION 2.** This act is effective when it becomes law.

HOUSE PAGES

NAME OF COMMITTEE EDU DATE 2-14-09

1. Name: Caylin Bullock

County: Wake

Sponsor: Hackney

2. Name: Adam Goodrich

County: Yadkin

Sponsor: McLormick

3. Name: Laura Fisher

County: Wake

Sponsor: Avila

4. Name: Leigh-Kathryn Bonner

County: Wake

Sponsor: Avila

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

SGT-AT-ARM

1. Name: MARVIN LEE John Brandon

2. Name: Martha Parrish

3. Name: Judy Turner

4. Name: Tray Raley

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
July 21, 2009

The House Committee on Education met at 11:00 a.m. on Tuesday, July 21, 2009 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon and Womble; **Members:** Avila, Blackwell, Blackwood, Bordsen, Bryant, Carney, Cleveland, Dickson, Dockham, Dollar, England, Burris-Floyd, Folwell, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Iler, Insko, Jackson, Johnson, Langdon, McCormick, McLawhorn, Rapp, Ross, Samuelson, Stewart, Tarleton, Tillis, E. Warren, R. Warren, Whilden, Wiley, and Wilkins.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** called the meeting to order and all introductions were completed.

The agenda was presented and the following bills were before the committee: **Representative Lucas** moved to adopt the PCS. The motion passed.

**SB 137 - A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEPENDENT RELATIVE OF A MEMBER OF THE ARMED SERVICES CONTINUES TO BE ELIGIBLE FOR IN-STATE TUITION IF THE ACTIVE DUTY MEMBER IS KILLED IN COMBAT OR DIES DURING ACTIVE MILITARY DUTY WHILE ASSIGNED TO NORTH CAROLINA.**

**Senator Hunt** explained the bill and **Representative Carney** moves for a favorable report to the House committee substitute bill, which changes the title, unfavorable as to the Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Appropriations. The bill passed.

**SB 195 - A BILL TO BE ENTITLED AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.**

**Representative Butterfield** explains Senator Malone bill and indicate that this is a companion bill. **Representative Rapp** moves for a favorable report. The motion passed.

**SB 894 – A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.**

**Representative Lucas** moved to adopt the PCS. Senator Hartsell explains the bill.

**Representative Womble** moves for a favorable report to the House committee substitute bill, unfavorable to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Finance. The bill passed.

**Chairman Bell** adjourned the meeting at 11:45 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, July 21, 2009

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<b>SB 137</b>	<b>Military Death/In-State Tuition/Dependent.</b>	<b>Senator Hunt</b>
<b>SB 195</b>	<b>Preparations for Aging Baby Boomers.</b>	<b>Senator Malone Senator Dorsett Senator Bingham</b>
<b>SB 894</b>	<b>UI/School Teacher Related Amendments.</b>	<b>Senator Hartsell</b>

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
12:45 P.M. **July 16, 2009.**

X Principal Clerk

X Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

## VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**07-21-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)**FIRM OR AGENCY AND ADDRESS**

Alicia Baez

# hmmC

Marge Foreman

NCAE

Jim Allen

# BEGINNINGS

Meredith Willford

C.P.M & ASSOCIATES

JULI MAYNARD

CMS

## VISITOR REGISTRATION SHEET

## COMMITTEE ON EDUCATION

**07-21-2009**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: (Please Print)**

**FIRM OR AGENCY AND ADDRESS**

Penney Guff

School & Gov.

Tom Bowlin

NC NATIONAL GUARD

Julia Gagliardi

William Lamb

UNC Institute on Aging

Stan Williams

ncs

Mary Bethel

ARP-NC

## **AGENDA**

### **HOUSE COMMITTEE ON EDUCATION**

**July 21, 2009**

**11:00 A.M.**

**Room 643 LOB**

**Representative Bell**

**Presiding Chair**

#### **CALL TO ORDER**

#### **OPENING REMARKS**

##### **Bills to be consider:**

<b>SB 137</b>	<b>Military Death/In-State Tuition/Dependent.</b>	<b>Senator Hunt</b>
<b>SB 195</b>	<b>Preparations for Aging Baby Boomers.</b>	<b>Senator Malone Senator Dorsett Senator Bingham</b>
<b>SB 894</b>	<b>UI/School Teacher Related Amendments.</b>	<b>Senator Hartsell</b>

#### **ADJOURNMENT**



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 137** A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEPENDENT  
RELATIVE OF A MEMBER OF THE ARMED SERVICES CONTINUES TO BE ELIGIBLE FOR  
IN-STATE TUITION IF THE ACTIVE DUTY MEMBER IS KILLED IN COMBAT OR DIES  
DURING ACTIVE MILITARY DUTY WHILE ASSIGNED TO NORTH CAROLINA.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable  
as to Senate committee substitute bill and recommendation that the House committee substitute bill be  
re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 137  
Appropriations/Base Budget Committee Substitute Adopted 7/2/09  
Third Edition Engrossed 7/7/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S137-CSRJ-34 [v.1]**

7/21/2009 9:28:27 AM

Short Title: Military Death/In-State Tuition/Dependent.

(Public)

Sponsors:

Referred to:

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A DEPENDENT RELATIVE OF A MEMBER OF THE ARMED SERVICES CONTINUES TO BE ELIGIBLE FOR IN-STATE TUITION AND APPLICABLE MANDATORY FEES IF THE ACTIVE DUTY MEMBER DIES DURING ACTIVE MILITARY DUTY WHILE ASSIGNED TO NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-143.3(c) reads as rewritten:

"(c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services is reassigned outside of North Carolina or retires, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned or retires. In the event the member of the armed services receives an Honorable Discharge from military service, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative establishes residency within North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is discharged. In the event the member of the armed services dies during active military duty, the dependent relative shall continue, for a period of 10 years after the member's death, to be eligible for the in-State tuition rate and applicable mandatory fees provided that the member of the armed services was assigned to North Carolina at the time of death. However, if the dependent relative enrolls in a degree or other program within 10 years after the death of the member of the armed services and the course of study for the degree or other program in which the dependent relative enrolls extends beyond the 10-year period after the member's death, the dependent relative shall continue to be eligible for in-State tuition and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program."



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**SECTION 2.** This act becomes effective October 1, 2009.



## SENATE BILL 137: Military Death/In-State Tuition/Dependent

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	July 21, 2009
<b>Introduced by:</b>	Sen. Hunt	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	PCS to Third Edition S137-CSRJ-34		Legislative Analyst

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**SUMMARY:** *Senate Bill 137 would provide that a dependent relative of a member of the armed services continues to be eligible for in-State tuition and fees for 10 years after the member dies during active military duty while assigned to the State.*

*The Proposed Committee Substitute makes technical and clarifying changes and amends the long title to reflect those changes.*

**CURRENT LAW:** G.S. 116-143.3( c) provides that any dependent relative of a member of the armed services is eligible for in-State tuition and fees upon qualifying for admission to a UNC constituent institution or a community college when:

- The member of the armed services is abiding in N.C. incident to active military duty, as defined by the Board of Governors of The University of North Carolina and the State Board of Community Colleges
- The dependent resident is sharing the abode of the member of the armed services
- If applicable, the dependent complies with the requirements of the Selective Service System

If the member of the armed services is reassigned outside of the State or retires then the dependent relative shall continue to be eligible for in-State tuition and mandatory fees as long as the dependent relative is continuously enrolled in the same degree or program.

If the member of the armed services receives an Honorable Discharge then the dependent relative shall continue to be eligible for in-State tuition and mandatory fees so long as the dependent relative establishes NC residency within 30 days after the discharge and is continuously enrolled in the same degree or program.

**BILL ANALYSIS:** The Proposed Committee Substitute for Senate Bill 137 would provide that the dependent relative shall continue to be eligible for in-State tuition and mandatory fees for a period of 10 years following the death of a member of the armed services assigned to the State incident to active military duty. However, if the dependent enrolls in a degree or other program within 10 years after the member's death and the course of study extends beyond the 10-year period, the dependent relative shall continue to be eligible for in-State tuition and mandatory applicable fees as long as the dependent relative is continuously enrolled in the degree or program.

**EFFECTIVE DATE:** The act becomes effective October 1, 2009.

S137-SMRJ-99(CSRJ-34) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 137  
Appropriations/Base Budget Committee Substitute Adopted 7/2/09  
Third Edition Engrossed 7/7/09**

Short Title: Military Death/In-State Tuition/Dependent.

(Public)

Sponsors:

Referred to:

February 12, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A DEPENDENT RELATIVE OF A MEMBER OF THE ARMED SERVICES CONTINUES TO BE ELIGIBLE FOR IN-STATE TUITION IF THE ACTIVE DUTY MEMBER IS KILLED IN COMBAT OR DIES DURING ACTIVE MILITARY DUTY WHILE ASSIGNED TO NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-143.3(c) reads as rewritten:

"(c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services is reassigned outside of North Carolina or retires, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned or retires. In the event the member of the armed services receives an Honorable Discharge from military service, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative establishes residency within North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is discharged. In the event the member of the armed services is killed in combat or noncombat deployment or dies during active military duty, the dependent relative shall continue, for a period of 10 years after the member's death, to be eligible for the in-State tuition rate and applicable mandatory fees provided that the member of the armed services was assigned to North Carolina at the time of death. However, if the dependent relative enrolls in a degree or other program within 10 years after the death of the member of the armed services and the course of study for the degree or other program in which the dependent relative enrolls extends beyond the 10-year period after the member's death, the dependent relative shall continue to be eligible for in-State tuition so long as the dependent relative is continuously enrolled in the degree or other program."

**SECTION 2.** This act becomes effective October 1, 2009.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representatives Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 195**      A BILL TO BE ENTITLED AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.



## SENATE BILL 195: Preparations for Aging Baby Boomers

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Malone  
**Analysis of:** First Edition

**Date:** July 17, 2009  
**Prepared by:** Sara Kamprath  
Legislative Analyst

**SUMMARY:** *Senate Bill 195 directs the University of North Carolina Institute on Aging and the Division of Aging and Adult Services to provide leadership to the State in its preparation for increased numbers of older adults. This bill represents a recommendation from the North Carolina Study Commission on Aging.*

[As introduced, this bill was identical to H273, as introduced by Reps. Farmer-Butterfield, Pierce, Bordsen, which is currently in House Aging, if favorable, Education.]

### **BILL ANALYSIS:**

Senate Bill 195 requires the University of North Carolina Institute on Aging and the Division of Aging and Adult Services to assist the State in its preparations for the projected population growth of older adults by:

- (1) Organizing and facilitating meetings of gerontologists, researchers, county representatives, directors of area agencies on aging, and various providers of State services to identify and prioritize issues for the State to address.
- (2) Establishing a Web site containing models of local planning efforts and information on fostering retiree and volunteer involvement. The information contained on this site must represent the input of the NC Association of County Commissioners, the University of North Carolina School of Government, higher education departments of municipal and regional planning and their partners, and area agencies on aging.

The Institute on Aging and the Division of Aging and Adult Services are directed to make progress reports on the above activities to the Governor and to the Study Commission on Aging on or before March 1, 2010, and on or before November 1, 2010.

### **EFFECTIVE DATE:**

This act is effective when it becomes law.

### **BACKGROUND:**

On November 12, 2008, the Study Commission on Aging and the Joint Study Committee on Local Social Services Issues joined together for a meeting devoted to the State's preparation for increased numbers of older adults. During this meeting the members of both the Commission and the Joint Committee heard presentations on the following: a recent proposal to study the population growth of older adults in North Carolina, a presentation on current forecasts and the importance of planning, and anticipated changes in North Carolina's older adult population and suggestions on ways to prepare. During the presentations, it was noted that between 2000 and 2030 the population growth for the State as a whole is projected at 52.5%, while the population age 65 and older is expected to grow 123% and those age 85 and older by 146%. The members also received information on a national report, *The Maturing of America: Getting Communities on Track for An Aging Population*, which provided that, "...only 46% of American communities have started addressing the needs of the rapidly increasing

# Senate Bill 195

Page 2

aging population." It was mentioned that the report concluded, "that local governments...as yet do not have the policies, programs or services in place to promote the quality of life and the abilities of older adults to live independently and contribute to their communities for as long as possible..."

Additionally, the Commission and Joint Committee heard from Ashe County and the Town of Davidson on their local planning efforts, the processes they used, their findings, and how they plan to implement changes. The meeting closed with a panel discussion featuring representatives from AARP-NC, UNC Institute on Aging, North Carolina Association of County Commissioners, and the NC Association of Area Agencies on Aging. The panel participants agreed on the importance of increasing the awareness of the need to plan for larger numbers of older adults and the need for technical assistance and resources when planning.<sup>1</sup>

*\*Shawn Parker, Committee Staff to Senate Health Care and Theresa Matula, Committee Staff to House Aging Committee, significantly contributed to this summary.*

*SI95-SMRJ-97(e1) v1*

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<sup>1</sup> North Carolina Study Commission on Aging's report to the Governor and the 2009 General Assembly.  
Research Division

*O. Walker Reagan, Director*

*(919) 733-2578*



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**1**

**SENATE BILL 195\***

**Short Title:** Preparations for Aging Baby Boomers. (Public)

**Sponsors:** Senators Malone, Dorsett, Bingham; Berger of Franklin, Brunstetter, Davis, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stein, Stevens, and Tillman.

**Referred to:** Health Care.

February 18, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.**

**The General Assembly of North Carolina enacts:**

**SECTION 1.** The University of North Carolina Institute on Aging, and the Division of Aging and Adult Services, Department of Health and Human Services, shall help the State prepare for increased numbers of older adults, due to the aging of the baby boomer generation and the influx of elderly retirees into the State. Activities shall include, but are not limited to, the following:

- (1) Organizing and facilitating meetings of gerontologists, researchers, county representatives, directors of area agencies on aging, and providers of State services, to collectively identify and prioritize issues for the State to address.
- (2) Working with the North Carolina Association of County Commissioners, the University of North Carolina School of Government, higher education departments of municipal and regional planning and their partners, and area agencies on aging to establish a Web site containing:
  - a. Information on fostering retiree and volunteer involvement, and
  - b. Models of local planning efforts, in order to assist municipalities in addressing accessibility and service delivery for increasing numbers of older adults.

**SECTION 2.** The University of North Carolina Institute on Aging, and the Division of Aging and Adult Services, Department of Health and Human Services, shall make progress reports on the activities required by this act to the Governor and to the North Carolina Study Commission on Aging on or before March 1, 2010, and on or before November 1, 2010.

**SECTION 3.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 894** A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on FINANCE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 894  
Commerce Committee Substitute Adopted 5/13/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S894-CSSF-50 [v.1]

7/20/2009 4:34:09 PM

Short Title: UI/School Teacher Related Amendments.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE  
DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED  
POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE  
BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO  
INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE  
PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 96-8(6)k. is amended by adding the following new  
sub-subdivisions to read:

- "21. Service performed by a substitute teacher or other substitute  
employee for a public, charter, or private school unless the  
individual was employed as a full-time permanent substitute.  
For the purposes of this sub-subdivision only, an individual is  
employed as a full-time substitute when employed to work on  
an indefinite basis no less than 30 hours per week.
22. Performance of extra duties for a public, charter, or private  
school. Such extra duties include coaching athletics, acting as  
a choral director, or such other similar activities."

**SECTION 2.** G.S. 96-8(10)e. is repealed.

**SECTION 3.** G.S. 96-14(2b) reads as rewritten:

"(2b) For the duration of ~~his~~ the individual's unemployment beginning with the  
first day of the first week during which or after the disqualifying act occurs  
with respect to which week an individual files a claim for benefits if it is  
determined by the Commission that the individual is, at the time such claim  
is filed, unemployed because the individual has been discharged from  
employment because a license, certificate, permit, bond, or surety that is  
necessary for the performance of ~~his~~ the individual's employment and that  
the individual is responsible to supply has been revoked, suspended, or  
otherwise lost to ~~him~~ the individual, or ~~his~~ the individual's ability to  
successfully apply or the individual's application therefor has been lost or  
denied for a cause that was within ~~his~~ the individual's power to control,  
guard against, or prevent. No showing of misconduct connected with the



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1 work or substantial fault connected with the work not rising to the level of  
2 misconduct shall be required in order for an individual to be disqualified for  
3 benefits under this subdivision."

4 **SECTION 4.** This act is effective when it becomes law and applies to claims filed  
5 on or after that date.



## SENATE BILL 894: UI/School Teacher Related Amendments

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Finance	<b>Date:</b>	July 21, 2009
<b>Introduced by:</b>	Sen. Hartsell	<b>Prepared by:</b>	Shirley Iorio, Ph D*
<b>Analysis of:</b>	PCS to Second Edition S894-CSSF-50		Legislative Analyst

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**SUMMARY:** *Senate Bill 894 would make changes to the law governing the receipt of unemployment benefits by substitute teachers and other substitute school personnel and the disqualification for unemployment benefits of individuals required to be licensed or to apply for licenses, certificates and bonds as a condition of employment.*

*The Proposed Committee Substitute (PCS) makes technical changes to add gender neutral language.*

*The PCS to Senate Bill 894 has a serial referral to Finance.*

**CURRENT LAW:** Chapter 96 of the North Carolina General Statutes is known as the Employment Security Law. Article 2 of Chapter 96 governs unemployment insurance.

G.S. 115C-12(8) requires the State Board of Education to adopt rules to provide for necessary substitutes because of sick leave and other teacher absences.

The State Board of Education rule (16NCAC 06C .0403) and the Public Schools of North Carolina Benefits and Employment Policy Manual set out the procedures and guidelines that local school administrative units follow when they employ substitutes.

**BILL ANALYSIS:** Section 1 of the PCS to Senate Bill 894 would amend G.S. 96-8(6)k by adding language to exempt from the definition of "employment" service performed by a substitute teacher or other substitute school employee for a public, charter or private school unless the individual is employed as a full-time substitute. The bill defines a full-time substitute as an individual who works on an indefinite basis for no less than 30 hours per week.

This section would also exclude from the definition of "employment" the performance of extra duties for a public, charter, or private school including coaching, choral director, or similar activities.

Section 2 would repeal G.S. 96-8(10)e. governing total and partial unemployment to delete language providing that a substitute teacher is not considered to be unemployed for the purposes of receiving unemployment benefits when the individual is not called to work, unless he or she was a full-time substitute. This language is no longer needed because of the specific changes made in Section 1 of the bill.

Section 3 would provide that an individual is disqualified from receiving unemployment benefits if his or her unemployment results from the loss of ability to successfully apply for a necessary license, certificate, permit, bond or surety. The PCS to Senate Bill 894 would add language providing that no showing of misconduct or substantial fault is required for disqualification for benefits under the subdivision.

**EFFECTIVE DATE:** The PCS to Senate Bill 894 would become effective when it becomes law and would apply to claims filed on or after that date.

*\*Tim Hovis, Counsel to the Senate Commerce Committee, substantially contributed to this summary.*

S894-SMSF-96(CSSF-50) v1

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 894  
Commerce Committee Substitute Adopted 5/13/09

Short Title: UI/School Teacher Related Amendments.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE  
DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED  
POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE  
BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO  
INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE  
PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 96-8(6)k. is amended by adding the following new  
sub-subdivisions to read:

"21. Service performed by a substitute teacher or other substitute  
employee for a public, charter, or private school unless the  
individual was employed as a full-time permanent substitute.  
For the purposes of this sub-subdivision only, an individual is  
employed as a full-time substitute when employed to work on  
an indefinite basis no less than 30 hours per week.

"22. Performance of extra duties for a public, charter, or private  
school. Such extra duties include coaching athletics, acting as  
a choral director, or such other similar activities."

**SECTION 2.** G.S. 96-8(10)e. is repealed.

**SECTION 3.** G.S. 96-14(2b) reads as rewritten:

"(2b) For the duration of his unemployment beginning with the first day of the  
first week during which or after the disqualifying act occurs with respect to  
which week an individual files a claim for benefits if it is determined by the  
Commission that the individual is, at the time such claim is filed,  
unemployed because the individual has been discharged from employment  
because a license, certificate, permit, bond, or surety that is necessary for the  
performance of ~~his-the individual's~~ employment and that the individual is  
responsible to supply has been revoked, suspended, or otherwise lost to  
~~him,the individual,~~ or ~~his-the individual's~~ ability to successfully apply or the  
~~individual's~~ application therefor has been lost or denied for a cause that was  
within his power to control, guard against, or prevent. No showing of  
misconduct connected with the work or substantial fault connected with the  
work not rising to the level of misconduct shall be required in order for an  
individual to be disqualified for benefits under this subdivision."

**SECTION 4.** This act is effective when it becomes law and applies to claims filed  
on or after that date.



# **EDUCATION COMMITTEE 2009**

## **HOUSE PAGES**

**July 21, 2009**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Andrew Kowal</b>	<b>Cumberland</b>	<b>Rep. Dickson</b>
<b>Samuel Hobgood</b>	<b>Orange</b>	<b>Rep. Faison</b>
<b>Lauren Smith</b>	<b>Mecklenburg</b>	<b>Rep. Cotham</b>
<b>Stephen Talley</b>	<b>Brunswick</b>	<b>Rep. Iler</b>
<b>Lindsay Jordan</b>	<b>New Hanover</b>	<b>Rep. Goforth</b>
<b>Breanna Gawron</b>	<b>Brunswick</b>	<b>Rep. Iler</b>

## **SGT-AT-ARMS**

**John Brandon**

**Marvin Lee**

**Martha Parrish**

**Earl Coker**

**Judy Turner**

## **ASSISTANT**

**Thelma Utley**

**Carolyn Edwards**

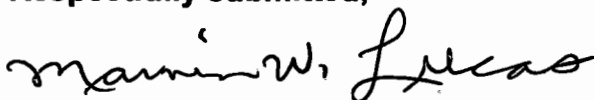
**HOUSE EDUCATION COMMITTEE  
Chamber  
Representative Marvin W. Lucas, Presiding  
7:00 P.M.  
Tuesday, August 4, 2009**

**Representative Lucas declared a quorum, called the meeting to order around his desk in chamber. The attendance sheets are attached.**

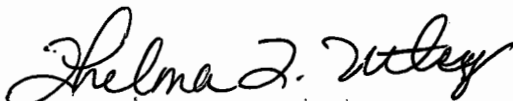
**Representative Wiley was recognized to speak on SB 738 Diabetes Control Plans in Charter Schools for sponsor Senator Rand. John Bowdish was recognized to speak in favor of bill and answer questions from committee members. Representative Bordsen recognized to move for a favorable report. Committee concurred and the motion passes.**

**Meeting adjourned at 7:10 p.m.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ House Committee Substitute for

**SB 738** A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

3

**SENATE BILL 738**  
**Education/Higher Education Committee Substitute Adopted 5/6/09**  
**House Committee Substitute Favorable 6/25/09**

Short Title: Diabetes Control Plans in Charter Schools.

(Public)

Sponsors:

Referred to:

March 24, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO  
3 IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF  
4 EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF  
5 INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF  
6 EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT  
7 ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR  
8 COMPLIANCE WITH THESE GUIDELINES.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 115C-375.3 reads as rewritten:

11 "§ 115C-375.3. Guidelines to support and assist students with diabetes.

12 Local boards of education and boards of directors of charter schools shall ensure that the  
13 guidelines adopted by the State Board of Education under G.S. 115C-12(31) are implemented  
14 in schools in which students with diabetes are enrolled. In particular, the boards shall require  
15 the implementation of the procedures set forth in those guidelines for the development and  
16 implementation of individual diabetes care plans. ~~Local~~ The boards also shall make available  
17 necessary information and staff development to teachers and school personnel in order to  
18 appropriately support and assist students with diabetes in accordance with their individual  
19 diabetes care plans. Local boards of education and boards of directors of charter schools shall  
20 report to the State Board of Education annually, on or before August 15, whether they have  
21 students with diabetes enrolled and provide information showing compliance with the  
22 guidelines adopted by the State Board of Education under G.S. 115C-12(31). These reports  
23 shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. §  
24 1232g."

25 SECTION 2. G.S. 115C-238.29F(a) reads as rewritten:

26 "(a) Health and Safety Standards. – A charter school shall meet the same health and  
27 safety requirements required of a local school administrative unit. The Department of Public  
28 Instruction shall ensure that charter schools provide parents and guardians with information  
29 about meningococcal meningitis and influenza and their vaccines at the beginning of every  
30 school year. This information shall include the causes, symptoms, and how meningococcal  
31 meningitis and influenza are spread and the places where parents and guardians may obtain  
32 additional information and vaccinations for their children.

33 The Department of Public Instruction shall also ensure that charter schools provide parents  
34 and guardians with information about cervical cancer, cervical dysplasia, human  
35 papillomavirus, and the vaccines available to prevent these diseases. This information shall be  
36 provided at the beginning of the school year to parents of children entering grades five through



1 12. This information shall include the causes and symptoms of these diseases, how they are  
2 transmitted, how they may be prevented by vaccination, including the benefits and possible  
3 side effects of vaccination, and the places where parents and guardians may obtain additional  
4 information and vaccinations for their children.

5 The Department of Public Instruction shall also ensure that charter schools provide students  
6 in grades nine through 12 with information annually on the manner in which a parent may  
7 lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

8 The Department of Public Instruction shall also ensure that the guidelines for individual  
9 diabetes care plans adopted by the State Board of Education under G.S. 115C-12(31) are  
10 implemented in charter schools in which students with diabetes are enrolled and that charter  
11 schools otherwise comply with the provisions of G.S. 115C-375.3."

12 **SECTION 3.** This act is effective when it becomes law and applies beginning with  
13 the 2009-2010 school year.



***NORTH CAROLINA GENERAL  
ASSEMBLY***

***HOUSE COMMITTEE ON  
EDUCATION***

***2009-2010 SHORT SESSION***

***Chairs:***

***Representative Larry M. Bell***

***Representative Marvin Lucas***

**NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE ON EDUCATION  
2010 SHORT SESSION**



**REP. LARRY BELL  
CHAIR**



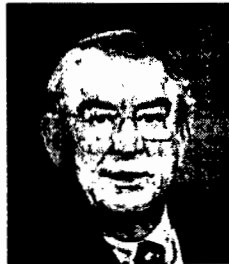
**REP. MARVIN LUCAS  
CHAIR**



**REP. COTHAM  
VICE CHAIR**



**REP. FISHER  
VICE CHAIR**



**REP. LOVE  
VICE CHAIR**



**REP. PARMON  
VICE CHAIR**



**REP. WOMBLE  
VICE CHAIR**



**REP. ADAMS**



**REP. ALEXANDER**



**REP. AVILA**



**REP. BLACKWELL**



**REP. BLACKWOOD**



**REP. BORDSEN**



**REP. BROWN**



**REP. BRYANT**



**REP. CARNEY**



**REP. CLEVELAND**



**REP. DOCKHAM**



**REP. DOLLAR**



**REP. ENGLAND**



**REP. BURRIS-FLOYD**



**REP. E. FLOYD**

**NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE ON EDUCATION  
2010 SHORT SESSION**



**REP. FOLWELL**



**REP. GILL**



**REP. GLAZIER**



**REP. WADE-GOODWIN**



**REP. HALL**



**REP. HILTON**



**REP. HOLLOWAY**



**REP. HURLEY**



**REP. ILER**



**REP. INSKO**



**REP. JACKSON**



**REP. JEFFUS**



**REP. JOHNSON**



**REP. LANGDON**



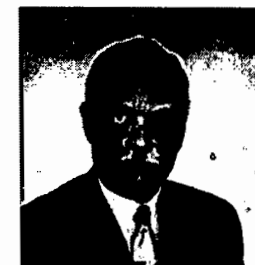
**REP. MCCORMICK**



**REP. MCELRAFT**



**REP. MCLAWHORN**



**REP. MICHAUX**



**REP. MILLS**



**REP. PARFITT**



**REP. RAPP**



**REP. RHYNE**



**REP. ROSS**



**REP. SAMUELSON**



**REP. STAM**

**NORTH CAROLINA GENERAL ASSEMBLY  
COMMITTEE ON EDUCATION  
2010 SHORT SESSION**



**REP. STEWART**



**REP. TARLETON**



**REP. TILLIS**



**REP. TOLSON**



**REP. E. WARREN**



**REP. R. WARREN**



**REP. WHILDEN**



**REP. WILEY**



**REP. WILKINS**



**REP. YONGUE**

**MEMBERSHIP LIST 2009-2010**  
**HOUSE COMMITTEE ON EDUCATION**

<b><u>MEMBERS</u></b>	<b><u>ASSISTANTS</u></b>	<b><u>PHONE</u></b>	<b><u>OFFICE</u></b>	<b><u>SEAT</u></b>
<b><u>REPRESENTATIVES</u></b>				
<b><u>Chairs</u></b>				
Bell, Larry	Carolyn Edwards	733-5863	538	12
Lucas, Marvin	Thelma Utley	733-5775	417A	20
<b><u>Vice-Chairs</u></b>				
Cotham, Tricia	Rosa Kelly	715-0706	418C	93
Fisher, Susan	Lynn Tennant	715-2013	420	30
Love, Jimmy	Sylvia Nygard	715-3026	305	23
Parmon, Earline	Pat Christmas	733-5829	541	66
Womble, Larry	Dorothy McLean	733-5777	534	56
<b><u>Members</u></b>				
Adams, Alma	Sandra Brown	733-5902	304	67
Alexander, Martha	Ann Faust	733-5807	2208	32
Avila, Marilyn	Susan Lewis	733-5530	1017	112
Blackwell, Hugh *	Amanda Cheney	733-5805	606	114
Blackwood, Curtis	Ed Stiles	733-2406	1317	97
Bordsen, Alice	Sherrie Burnette	733-5820	530	29
Brown, Larry	Delores Ledford	733-5607	609	73
Bryant, Angela	Karon Hardy	733-5878	542	58
Carney, Becky	Ann Jordan	733-5827	1221	54
Cleveland, George	Susan Horne	715-6707	504	86
Dockham, Jerry	Regina Irwin	715-2526	1213	39
Dollar, Nelson	Candace Slate	715-0795	1209	111
England, Bob	Lisa Brown	733-5749	303	5
Floyd-Burris, Pearl *	Elizabeth Dyar	715-2002	1319	104
Floyd, Elmer *	Jackie Dickens	733-5959	1311	90
Folwell, Dale	Nicole McGuinness	733-5787	306A1	75
Gill, Rosa *	Barbara Phillips	733-5880	1305	79
Glazier, Rick	Carin Savel	733-5601	2215	81
Goodwin-Wade, Melanie	Jane McMillian	733-5823	1307	91
Hall, Larry	Lisa Ray	733-5872	417B	43
Hilton, Mark	Carol Wilson	733-5988	1021	61
Holloway, Bryan	Cara Philon	733-5609	502	98
Hurley, Pat	Marilyn Holder	733-5865	607	87
Iler, Frank *	Carla Farmer	301-1450	306A2	15
Insko, Verla	Gina Insko	733-7208	307B1	70
Jackson, Darren *	Angela McMillian	733-5974	301N	92
Jeffus, Maggie	Mary Lee Robinson	733-5191	2204	6
Johnson, Linda	Diana Wraight	733-5861	1006	28
Langdon, James	Jackson Stancil	733-5849	610	101



**MEMBERSHIP LIST 2009-2010**  
**HOUSE COMMITTEE ON EDUCATION**

<b><u>MEMBERS</u></b>	<b><u>ASSISTANTS</u></b>	<b><u>PHONE</u></b>	<b><u>OFFICE</u></b>	<b><u>SEAT</u></b>
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**Members**

McCormick, Darrell *	Anne Murtha	733-5654	1211	116
McElraft, Pat	Nancy Fox	733-6275	603	113
McLawhorn, Marian	Susan Burleson	733-5757	1217	34
Michaux, Mickey	Anita Wilder	715-2528	1227	57
Mills, Grey *	Wanda Benson	733-5741	1111	117
Parfitt, Diane *	Katie Landi	733-9892	2221	42
Rapp, Ray	Forrest Gilliam	733-5732	2213	17
Rhyne, Johnathan *	Susan Beaupied	733-5782	1323	51
Ross, Deborah	Margie Penven	733-5773	2223	65
Samuelson, Ruth	Susan Phillips	715-3009	418B	102
Stam, Paul	Christin Danchi	733-2962	613	25
Stewart, Randy *	Ruth Fish	733-5802	1219	95
Tarleton, Cullie	Susan Whitehead	733-7727	2221	69
Tillis, Thom	Carol Wakely	733-5828	1002	109
Tolson, Joe	Shirley Phillips	715-3024	307B2	59
Warren, Edith	Martha Hoover	715-3023	416A	35
Warren, Ray	Theresa Lopez	715-8361	306C	77
Whilden, Jane *	Beth LeGrande	715-3012	1305	107
Wiley, Laura	Edna Pearce	733-5877	513	76
Wilkins, Winkie	Nancy Brantley	715-0850	1301	71
Yongue, Douglas	Katie Stanley	733-5821	1303	1

*12 New Members      \*      57 Total Members*

**Staff**

Dee Atkinson	<b><u>Research</u></b>			
Drupti Chauhan	Assistant	733-2578	545	
Shirley Iorio	Attorney	733-2578	545	
Sara Kamprath	Legislative Analyst	733-2578	545	
Kara McCraw	Legislative Analyst	733-2578	545	
	Attorney	733-2578	545	

**Legislative Assistants**

Carolyn Edwards	<b><u>Office</u></b>			
Thelma Utley	Representative Bell	733-5863	538	
	Representative Lucas	733-5775	417A	

*64 Total Education Committee*

# HOUSE COMMITTEE ON EDUCATION

## ATTENDANCE 2010

DATES	05-20-10	05-25-10	06-01-10	06-01-10	06-08-10	06-09-10	06-15-10	06-22-10	06-29-10	07-01-10	07-09-10				
REP. BELL (CHAIR)	*	*	*	*	*	*	*	*	*	*	*				
REP. LUCAS (CHAIR)	*	*	*	*	*	*	*	*	*	*	*				
REP. COTHAM (V-Chair)	*	*	*	*	*	*	*		*	*	*				
REP. FISHER (V-Chair)	*	*	*	*	*	*		*	*	*	*				
REP. LOVE (V-Chair)	*		*	*	*	*	*	*	*						
REP. PARMON (V-Chair)	*		*	*	*	*	*	*	*	*	*				
REP. WOMBLE (V-Chair)			*	*	*	*	*	*	*	*	*				
REP. ADAMS					*	*			*						
REP. ALEXANDER	*		*		*	*			*	*	*				
REP AVILA	*	*	*	*	*	*	*	*	*	*	*				
REP. BLACKWELL	*	*	*	*	*	*	*	*	*	*	*				
REP. BLACKWOOD	*		*	*			*	*	*	*	*				
REP. BORDSEN	*	*	*	*	*	*		*	*	*	*				
REP. BROWN	*	*	*		*	*	*	*	*	*					
REP. BRYANT	*	*	*	*	*	*	*	*	*	*	*				
REP. CARNEY	*	*	*	*	*	*	*	*	*	*	*				
REP. CLEVELAND	*	*	*	*	*	*	*	*	*	*	*				
REP. DOCKHAM		*	*	*	*	*	*	*		*					
REP. DOLLAR	*	*	*	*	*	*	*	*	*	*	*				
REP. ENGLAND	*		*	*	*	*		*	*		*				
REP. BURRIS-FLOYD	*	*	*	*	*	*	*	*	*	*	*				
REP. E. FLOYD		*	*	*	*	*	*	*	*	*	*				
REP. FOLWELL	*		*		*	*	*	*	*	*	*				
REP. GILL	*	*	*	*	*	*	*	*	*		*				
REP. GLAZIER	*	*	*	*	*	*	*	*	*						
REP. WADE-GOODWIN	*	*	*	*	*	*	*	*	*						
REP. HALL	*	*	*	*	*	*		*	*		*				
REP. HILTON	*	*	*	*	*	*	*	*	*						
REP. HOLLOWAY	*	*	*	*	*	*	*	*	*						

**HOUSE EDUCATION COMMITTEE**  
**Room 544 LOB**  
**Co-Chairs, Representatives Larry Bell and Marvin W. Lucas**  
**Representative Marvin W. Lucas, Presiding**  
**1:50 P.M.**  
**Thursday, May 20, 2010**

Representative Lucas declared a quorum, called the meeting to order and thanked everyone for coming. The House Pages and Sergeant-at-Arms were introduced, along with committee clerks and staff. The attendance sheets are attached.

Representative Glazier was recognized to explain SB 704 Pooled Trusts/Medicaid Reimbursement sponsored by Senator Rand. Representative Tarleton moved to adopt the Proposed Committee Substitute for SB 704 Reform Low-Performing Schools. There were questions and comments on the bill made by Representatives Avila, Blackwell, Lucas, and Stam.

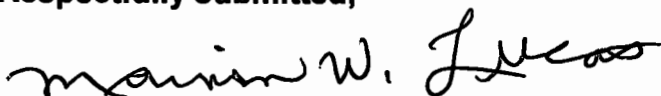
Representative Stam offers substitute for SB 704 CSRQ-49 v2 to amend the bill by changing the title and adding what the House already passed last session. A roll call vote was called and the amendment fails 21 to 29 (a copy of the roll call vote is attached). The amendment fails.

Representative Blackwood moves to amend the bill on page 1, line 4; on line 14 by deleting "no" and substituting "an"; on page 2, line 2 by inserting "public" after "low-performing". On page 2 line 13-14 by deleting "with the same exemptions from statutes and rules"; and on page 2, line 17 by inserting "does not" after the word "subdivision"; on page 2, line 17 by deleting "remains" and substituting "remain"; and on page 2, line 19 by rewriting the line to read "employees of the charter school. This subdivision shall". The amendment fails.

Comments on the bill were made by Representatives Bryant, Wiley, Dollar, Folwell, Fisher, Johnson, Tillis, Stam, Parfitt, Avila, Wiley and Blackwood. Representative Fisher moves for a favorable report to the PCS which changes the title, unfavorable to original bill. The committee concurs and the motion passes.

Meeting adjourned at 2:53 p.m.

Respectfully submitted,



Marvin W. Lucas, Chair



Thelma T. Utley, Committee Assistant

ROOM CHANGE

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, May 20, 2010

**TIME:** Immediately After Session

**LOCATION:** 544 LOB

**COMMENTS:** Notice of bill to be heard will be coming.

The following bills will be considered:

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
1 o'clock on **May 20, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, May 20, 2010

**TIME:** Immediately After Session

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 35	Early Organizational Session.	Senator Hoyle.

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
1 o'clock on **May 20, 2009**:

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

# VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**2010**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME: *(Please Print)***

**FIRM OR AGENCY AND ADDRESS**

Andy Willis	Gov's Office
Mark Lanier	UNCW
James Cameron	DLAT
Courtney Crowder	Governor's office
Cady Thomas	NCAAA & Realtors
Rick Ingram	NC General Assembly
John D Denning	NC New Scholar Project
Brian Lewis	NC Ass. Educators
Marge Foreman	NCAE
Linda Borden	NCAE
Fane Stilwell	NCGA

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: *(Please Print)*

FIRM OR AGENCY AND ADDRESS

Brittany Farrell	NCFPC
Judy Stansbury	Office of Sen. Goodall
Tommy DeVita	Rep. Glazier
Brad A. Salmon	Rep. Glazier
Loreo Stallard	Rep. Ross
Jim Stegall	U.C.P.S.
Bill Harrison	SBE
Kathas Goya	NCAst
Dennis Harmon	WCPSS
Gene Carsby	NCSCA
John Norris	Public School Forum
Leanne Winner	NCSTA

# EDUCATION COMMITTEE 2010

## HOUSE PAGES

May, 2010

Name	County	Sponsor
Mary Warren	Sampson County	Rep. Larry Bell
Morgan Welch	Burke	Hugh Blackwell
Nikki Smith	Randolph	Ms. Pat Hurley
Hunter Rinchart	Union	Curtis Blackwood
Brandy Allen	Wake	Darren Jackson
Brittany Allen	Wake	Darren Jackson

## SGT-AT-ARMS

Martha Parrish

Marvin Lee



**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**

**Thursday, May 20, 2010**

**11:00 am**

**643 LOB**

**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bill to be considered:**

**SB 35      Early Organizational Session**  
**Senator David Hoyle**

**Adjournment**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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D

**SENATE BILL 35**  
**Rules and Operations of the Senate Committee Substitute Adopted 2/19/09**  
**PROPOSED HOUSE COMMITTEE SUBSTITUTE S35-CSTC-61 [v.11]**

5/20/2010 9:10:42 AM

Short Title: Reform Low-Performing Schools.

(Public)

Sponsors:

Referred to:

February 4, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO SOLELY PROVIDE AUTHORIZATION FOR THE STATE BOARD OF  
3 EDUCATION TO APPROVE LOCAL BOARDS OF EDUCATION REQUESTS TO  
4 REFORM PERSISTENTLY LOW PERFORMING SCHOOLS AS EITHER A  
5 TURNAROUND MODEL, RESTART MODEL, SCHOOL CLOSURE MODEL, OR  
6 TRANSFORMATION MODEL; TO DEFINE TURNAROUND MODEL AS  
7 REPLACING THE PRINCIPAL AND REHIRING NO MORE THAN FIFTY PERCENT  
8 OF SCHOOL STAFF, ADOPTING A NEW SCHOOL GOVERNANCE STRUCTURE,  
9 AND IMPLEMENTING AN INSTRUCTIONAL PROGRAM ALIGNED WITH THE  
10 STANDARD COURSE OF STUDY; TO DEFINE RESTART MODEL AS ALLOWING  
11 THE SCHOOL TO OPERATE UNDER THE SAME RULES AS A CHARTER SCHOOL  
12 OR UNDER THE MANAGEMENT OF AN EDUCATIONAL MANAGEMENT  
13 ORGANIZATION WITH NO INCREASE IN THE MAXIMUM NUMBER OF  
14 CHARTER SCHOOLS AS PROVIDED IN G.S. 115C-238.29D(b); TO DEFINE  
15 SCHOOL CLOSURE MODEL AS CLOSING THE SCHOOL AND ENROLLING THE  
16 STUDENT IN ANOTHER HIGHER ACHIEVING SCHOOL IN THE LOCAL SCHOOL  
17 ADMINISTRATIVE UNIT; TO DEFINE TRANSFORMATION MODEL AS A SCHOOL  
18 WHICH INCREASES TEACHER AND SCHOOL LEADER EFFECTIVENESS,  
19 CREATES COMPREHENSIVE INSTRUCTIONAL REFORM STRATEGIES,  
20 INCREASES LEARNING TIME, CREATES COMMUNITY ORIENTED SCHOOLS  
21 AND PROVIDES OPERATIONAL FLEXIBILITY AND SUSTAINED SUPPORT; AND  
22 TO PROVIDE AUTHORIZATION TO THE STATE BOARD TO ADOPT RULES AND  
23 PROCEDURES CONSISTENT WITH THESE DEFINED MODELS; AND TO  
24 IMPLEMENT THESE MODELS WITH ANNUAL REPORTING TO THE STATE  
25 BOARD OF EDUCATION FROM THE LOCAL SCHOOL ADMINISTRATIVE UNITS.  
26 The General Assembly of North Carolina enacts:  
27 SECTION 1. Article 8B of Chapter 115C of the General Statutes is amended by  
28 adding a new Part to read:  
29 "Part 4. Persistently Low-Performing Schools.  
30 "§ 115C-105.42. Reform of persistently low-performing schools.  
31 (a) Notwithstanding any other provision of this Article, the State Board of Education is  
32 authorized to approve a local board of education's request to reform any school in its

1 administrative unit which the State Board of Education has identified as one of the persistently  
2 low-performing schools in North Carolina.

3 If the State Board of Education approves a local board of education's request to reform a  
4 school, the State Board of Education may authorize the local board of education to adopt one of  
5 the following models in accordance with State Board of Education requirements:

6 (1) Turnaround model, which would involve, among other actions, replacing the  
7 principal and rehiring no more than fifty percent (50%) of the school's staff,  
8 adopting a new governance structure at the school, and implementing an  
9 instructional program aligned with the Standard Course of Study.

10 (2) Restart model, in which the State Board of Education would authorize the  
11 local board of education to operate the school with the same exemptions  
12 from statutes and rules as a charter school authorized under Part 6A of  
13 Article 16 of this Chapter, or under the management of an educational  
14 management organization that has been selected through a rigorous review  
15 process. A school operated under this subdivision remains under the control  
16 of the local board of education and employees assigned to the school are  
17 employees of the local school administrative unit. This subdivision shall not  
18 be interpreted to increase the maximum number of charter schools provided  
19 in G.S. 115C-238.29D(b).

20 (3) School closure model, in which a local school administrative unit would  
21 close the school and enroll the students who attended the school in other,  
22 higher-achieving schools in the local school administrative unit.

23 (4) Transformation model, which would address the following four specific  
24 areas critical to transforming a persistently low-performing school:

- 25 a. Developing and increasing teacher and school leader effectiveness.  
26 b. Comprehensive instructional reform strategies.  
27 c. Increasing learning time and creating community-oriented schools.  
28 d. Providing operational flexibility and sustained support.

29 (b) The State Board of Education shall adopt rules to define persistently low-performing  
30 schools and to develop requirements for the models for school reform established in subsection  
31 (a) of this section.

32 (c) The State Board shall establish a procedure to implement this section. This procedure  
33 shall include annual reporting requirements from local boards that are authorized to use one of  
34 the models under this section and shall include a procedure for removing or continuing the  
35 authorization."

36 **SECTION 2.** This act is effective when it becomes law.



## SENATE BILL 35: Reform of Low-Performing Schools

2009-2010 General Assembly

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<b>Committee:</b>	House serial referral stricken bill is re-referred to Education	<b>Date:</b>	May 20, 2010
<b>Introduced by:</b>	Sen. Hoyle	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to Second Edition S35-CSTC-61[v11]		Committee Counsel

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**SUMMARY:** *The PCS for Senate Bill 35 would authorize the State Board of Education to approve requests by local boards of education to reform a school identified by the State Board of Education as persistently low-performing, using one of four specific models: turnaround, restart, school closure, or transformation.*

**BILL ANALYSIS:** The PCS for SB 35 would create a new Part in Article 8B (School-Based Management and Accountability Program) entitled Persistently Low-Performing Schools.

This Part would authorize the State Board of Education (State Board) to approve a local board of education's (local board) request to reform any school in its local school administrative unit (LEA) identified by the State Board as a persistently low-performing school. The State Board would have authority to authorize the local board to adopt one of four reform models:

1) Turnaround model. – This model would require the following:

- Replacing the principal and rehiring no more than fifty percent (50%) of the school staff.
- Adopting a new governance structure at the school.
- Implementing an instructional program aligned with the Standard Course of Study.

2) Restart model. – This model would authorize the local board to operate the school in one of the following ways:

- With the same exemptions from statutes and rules as a charter school.
- Under the management of a an educational management organization selected through a rigorous review process.

Schools operated under this model would remain under the control of the local board of education, and employees assigned to the school would be employees of the LEA. The subdivision clarifies that it should not be interpreted to increase the maximum number of charter schools authorized by statute.

3) School closure model. – This model would close the school and enroll the students in other high-achieving schools within the LEA.

4) Transformation model. – This model would require the following four specific areas be addressed in transforming the school:

- Developing and increasing teacher and school leadership effectiveness.
- Comprehensive instructional reform strategies.
- Increasing learning time and creating community-oriented schools.
- Providing operational flexibility and sustained support.

The State Board would be required to adopt rules to define persistently low-performing schools and to develop requirements for the four models.

# Senate Bill 35

Page 2

The State Board would be required to establish a procedure implementing the section, including annual reporting requirements for authorized boards and a procedure for removing or continuing the authorization.

**EFFECTIVE DATE:** The PCS for SB 35 would become effective when it becomes law.

**BACKGROUND:** The American Recovery and Reinvestment Act included \$4.35 billion for the Race to the Top Fund, a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform. In the Overview Information on the application process published by the U.S. Department of Education in the Federal Register, one category of consideration in awarding grants to states is the Reform Plan Criteria, specifically, support of LEAs in turning around lowest achieving schools by implementing one of four school intervention models – turnaround, restart, school closure, or transformation.

*S35-SMTC-131(CSTC-61) v4*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 704  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S704-PCS35439-RQ-48

Short Title: Reform Low-Performing Schools.

(Public)

Sponsors:

Referred to:

March 24, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO SOLELY PROVIDE AUTHORIZATION FOR THE STATE BOARD OF  
3 EDUCATION TO APPROVE REQUESTS OF LOCAL BOARDS OF EDUCATION TO  
4 REFORM CONTINUALLY LOW-PERFORMING SCHOOLS AS EITHER A  
5 TRANSFORMATION MODEL, RESTART MODEL, TURNAROUND MODEL, OR  
6 SCHOOL CLOSURE MODEL; TO DEFINE TRANSFORMATION MODEL AS A  
7 SCHOOL WHICH INCREASES TEACHER AND SCHOOL LEADER  
8 EFFECTIVENESS, CREATES COMPREHENSIVE INSTRUCTIONAL REFORM  
9 STRATEGIES, INCREASES LEARNING TIME, CREATES COMMUNITY-ORIENTED  
10 SCHOOLS, AND PROVIDES OPERATIONAL FLEXIBILITY AND SUSTAINED  
11 SUPPORT; TO DEFINE RESTART MODEL AS ALLOWING THE SCHOOL TO  
12 OPERATE UNDER THE SAME RULES AS A CHARTER SCHOOL OR UNDER THE  
13 MANAGEMENT OF AN EDUCATIONAL MANAGEMENT ORGANIZATION WITH  
14 NO INCREASE IN THE MAXIMUM NUMBER OF CHARTER SCHOOLS AS  
15 PROVIDED IN G.S. 115C-238.29D(b); TO DEFINE TURNAROUND MODEL AS  
16 REPLACING THE PRINCIPAL IF THE PRINCIPAL HAS BEEN IN THAT POSITION  
17 FOR AT LEAST THREE YEARS AND REHIRING NO MORE THAN FIFTY  
18 PERCENT OF SCHOOL STAFF, ADOPTING A NEW SCHOOL GOVERNANCE  
19 STRUCTURE CONSISTENT WITH ARTICLE 8B OF CHAPTER 115C OF THE  
20 GENERAL STATUTES, AND IMPLEMENTING AN INSTRUCTIONAL PROGRAM  
21 ALIGNED WITH THE STANDARD COURSE OF STUDY; TO DEFINE SCHOOL  
22 CLOSURE MODEL AS CLOSING THE SCHOOL CONSISTENT WITH G.S. 115C-72  
23 AND ENROLLING THE STUDENTS IN ANOTHER HIGHER-ACHIEVING SCHOOL  
24 IN THE LOCAL SCHOOL ADMINISTRATIVE UNIT CONSISTENT WITH ARTICLE  
25 25 OF CHAPTER 115C OF THE GENERAL STATUTES; AND TO PROVIDE  
26 AUTHORIZATION TO THE STATE BOARD TO ADOPT RULES AND PROCEDURES  
27 CONSISTENT WITH THESE DEFINED MODELS; AND TO IMPLEMENT THESE  
28 MODELS WITH ANNUAL REPORTING TO THE STATE BOARD OF EDUCATION  
29 FROM THE LOCAL SCHOOL ADMINISTRATIVE UNITS.

30 The General Assembly of North Carolina enacts:

31 SECTION 1. Article 8B of Chapter 115C of the General Statutes is amended by  
32 adding a new section to read:

33 "§ 115C-105.37B. Reform of continually low-performing schools.



\* S 7 0 4 - P C S 3 5 4 3 9 - R Q - 4 8 \*

1       (a) Notwithstanding any other provision of this Article, the State Board of Education is  
2 authorized to approve a local board of education's request to reform any school in its  
3 administrative unit which the State Board of Education has identified as one of the continually  
4 low-performing schools in North Carolina.

5       If the State Board of Education approves a local board of education's request to reform a  
6 school, the State Board of Education may authorize the local board of education to adopt one of  
7 the following models in accordance with State Board of Education requirements:

8       (1) Transformation model, which would address the following four specific  
9 areas critical to transforming a continually low-performing school:

10       a. Developing and increasing teacher and school leader effectiveness.

11       b. Comprehensive instructional reform strategies.

12       c. Increasing learning time and creating community-oriented schools.

13       d. Providing operational flexibility and sustained support.

14       (2) Restart model, in which the State Board of Education would authorize the  
15 local board of education to operate the school with the same exemptions  
16 from statutes and rules as a charter school authorized under Part 6A of  
17 Article 16 of this Chapter, or under the management of an educational  
18 management organization that has been selected through a rigorous review  
19 process. A school operated under this subdivision remains under the control  
20 of the local board of education, and employees assigned to the school are  
21 employees of the local school administrative unit. This subdivision shall not  
22 be interpreted to increase the maximum number of charter schools provided  
23 in G.S. 115C-238.29D(b).

24       (3) Turnaround model, which would involve, among other actions, replacing the  
25 principal, if the principal has been in that position for at least three years,  
26 and rehiring no more than fifty percent (50%) of the school's staff, adopting  
27 a new governance structure at the school consistent with this Article, and  
28 implementing an instructional program aligned with the Standard Course of  
29 Study.

30       (4) School closure model, in which a local school administrative unit would  
31 close the school consistent with G.S. 115C-72 and enroll the students who  
32 attended the school in other, higher-achieving schools in the local school  
33 administrative unit consistent with Article 25 of this Chapter.

34       (b) The State Board of Education shall adopt rules to develop requirements for the  
35 models for school reform established in subsection (a) of this section.

36       (c) The State Board shall establish a procedure to implement this section. This  
37 procedure shall include annual reporting requirements from local boards that are authorized to  
38 use one of the models under this section and shall include a procedure for removing or  
39 continuing the authorization."

40       **SECTION 2.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

D

SENATE BILL 704  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S704-CSRQ-48 [v.1]

5/20/2010 1:05:40 PM

Short Title: Reform Low-Performing Schools.

(Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO SOLELY PROVIDE AUTHORIZATION FOR THE STATE BOARD OF EDUCATION TO APPROVE REQUESTS OF LOCAL BOARDS OF EDUCATION TO REFORM CONTINUALLY LOW-PERFORMING SCHOOLS AS EITHER A TRANSFORMATION MODEL, RESTART MODEL, TURNAROUND MODEL, OR SCHOOL CLOSURE MODEL; TO DEFINE TRANSFORMATION MODEL AS A SCHOOL WHICH INCREASES TEACHER AND SCHOOL LEADER EFFECTIVENESS, CREATES COMPREHENSIVE INSTRUCTIONAL REFORM STRATEGIES, INCREASES LEARNING TIME, CREATES COMMUNITY-ORIENTED SCHOOLS, AND PROVIDES OPERATIONAL FLEXIBILITY AND SUSTAINED SUPPORT; TO DEFINE RESTART MODEL AS ALLOWING THE SCHOOL TO OPERATE UNDER THE SAME RULES AS A CHARTER SCHOOL OR UNDER THE MANAGEMENT OF AN EDUCATIONAL MANAGEMENT ORGANIZATION WITH NO INCREASE IN THE MAXIMUM NUMBER OF CHARTER SCHOOLS AS PROVIDED IN G.S.115C-238.29D(b); TO DEFINE TURNAROUND MODEL AS REPLACING THE PRINCIPAL IF THE PRINCIPAL HAS BEEN IN THAT POSITION FOR AT LEAST THREE YEARS AND REHIRING NO MORE THAN FIFTY PERCENT OF SCHOOL STAFF, ADOPTING A NEW SCHOOL GOVERNANCE STRUCTURE CONSISTENT WITH ARTICLE 8B OF CHAPTER 115C, AND IMPLEMENTING AN INSTRUCTIONAL PROGRAM ALIGNED WITH THE STANDARD COURSE OF STUDY; TO DEFINE SCHOOL CLOSURE MODEL AS CLOSING THE SCHOOL CONSISTENT WITH G.S. 115C-72 AND ENROLLING THE STUDENTS IN ANOTHER HIGHER-ACHIEVING SCHOOL IN THE LOCAL SCHOOL ADMINISTRATIVE UNIT CONSISTENT WITH ARTICLE 25 OF CHAPTER 115C; AND TO PROVIDE AUTHORIZATION TO THE STATE BOARD TO ADOPT RULES AND PROCEDURES CONSISTENT WITH THESE DEFINED MODELS; AND TO IMPLEMENT THESE MODELS WITH ANNUAL REPORTING TO THE STATE BOARD OF EDUCATION FROM THE LOCAL SCHOOL ADMINISTRATIVE UNITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8B of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-105.37B. Reform of continually low-performing schools.**

**(a) Notwithstanding any other provision of this Article, the State Board of Education is authorized to approve a local board of education's request to reform any school in its**



\* S 7 0 4 - C S R Q - 4 8 - V - 1 \*



administrative unit which the State Board of Education has identified as one of the continually low-performing schools in North Carolina.

If the State Board of Education approves a local board of education's request to reform a school, the State Board of Education may authorize the local board of education to adopt one of the following models in accordance with State Board of Education requirements:

(1) Transformation model, which would address the following four specific areas critical to transforming a continually low-performing school:

- a. Developing and increasing teacher and school leader effectiveness.
- b. Comprehensive instructional reform strategies.
- c. Increasing learning time and creating community-oriented schools.
- d. Providing operational flexibility and sustained support.

(2) Restart model, in which the State Board of Education would authorize the local board of education to operate the school with the same exemptions from statutes and rules as a charter school authorized under Part 6A of Article 16 of this Chapter, or under the management of an educational management organization that has been selected through a rigorous review process. A school operated under this subdivision remains under the control of the local board of education, and employees assigned to the school are employees of the local school administrative unit. This subdivision shall not be interpreted to increase the maximum number of charter schools provided in G.S. 115C-238.29D(b).

(3) Turnaround model, which would involve, among other actions, replacing the principal, if the principal has been in that position for at least three years, and rehiring no more than fifty percent (50%) of the school's staff, adopting a new governance structure at the school consistent with this Article, and implementing an instructional program aligned with the Standard Course of Study.

(4) School closure model, in which a local school administrative unit would close the school consistent with G.S. 115C-72 and enroll the students who attended the school in other, higher-achieving schools in the local school administrative unit consistent with Article 25 of this Chapter.

(b) The State Board of Education shall adopt rules to develop requirements for the models for school reform established in subsection (a) of this section.

(c) The State Board shall establish a procedure to implement this section. This procedure shall include annual reporting requirements from local boards that are authorized to use one of the models under this section and shall include a procedure for removing or continuing the authorization."

**SECTION 2.** This act is effective when it becomes law.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**D**

**SENATE BILL 704  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S704-CSRQ-49 [v.2]**

5/20/2010 1:22:25 PM

**Short Title:** Reform Low-Performing Schools.

(Public)

**Sponsors:**

**Referred to:**

March 24, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO SOLELY PROVIDE AUTHORIZATION FOR THE STATE BOARD OF  
EDUCATION TO APPROVE REQUESTS OF LOCAL BOARDS OF EDUCATION TO  
REFORM CONTINUALLY LOW-PERFORMING SCHOOLS AS EITHER A  
TRANSFORMATION MODEL, RESTART MODEL, TURNAROUND MODEL, OR  
SCHOOL CLOSURE MODEL; TO DEFINE TRANSFORMATION MODEL AS A  
SCHOOL WHICH INCREASES TEACHER AND SCHOOL LEADER  
EFFECTIVENESS, CREATES COMPREHENSIVE INSTRUCTIONAL REFORM  
STRATEGIES, INCREASES LEARNING TIME, CREATES COMMUNITY-  
ORIENTED SCHOOLS, AND PROVIDES OPERATIONAL FLEXIBILITY AND  
SUSTAINED SUPPORT; TO DEFINE RESTART MODEL AS ALLOWING THE  
SCHOOL TO OPERATE UNDER THE SAME RULES AS A CHARTER SCHOOL OR  
UNDER THE MANAGEMENT OF AN EDUCATIONAL MANAGEMENT  
ORGANIZATION WITH NO INCREASE IN THE MAXIMUM NUMBER OF  
CHARTER SCHOOLS AS PROVIDED IN G.S. 115C-238.29D(b); TO DEFINE  
TURNAROUND MODEL AS REPLACING THE PRINCIPAL IF THE PRINCIPAL HAS  
BEEN IN THAT POSITION FOR AT LEAST THREE YEARS AND REHIRING NO  
MORE THAN FIFTY PERCENT OF SCHOOL STAFF, ADOPTING A NEW SCHOOL  
GOVERNANCE STRUCTURE CONSISTENT WITH ARTICLE 8B OF CHAPTER  
115C, AND IMPLEMENTING AN INSTRUCTIONAL PROGRAM ALIGNED WITH  
THE STANDARD COURSE OF STUDY; TO DEFINE SCHOOL CLOSURE MODEL  
AS CLOSING THE SCHOOL CONSISTENT WITH G.S. 115C-72 AND ENROLLING  
THE STUDENTS IN ANOTHER HIGHER-ACHIEVING SCHOOL IN THE LOCAL  
SCHOOL ADMINISTRATIVE UNIT CONSISTENT WITH ARTICLE 25 OF CHAPTER  
115C; AND TO PROVIDE AUTHORIZATION TO THE STATE BOARD TO ADOPT  
RULES AND PROCEDURES CONSISTENT WITH THESE DEFINED MODELS; AND  
TO IMPLEMENT THESE MODELS WITH ANNUAL REPORTING TO THE STATE  
BOARD OF EDUCATION FROM THE LOCAL SCHOOL ADMINISTRATIVE UNITS;  
AND TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS TO 106 AND  
TO IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON  
CHARTER SCHOOLS.**

**The General Assembly of North Carolina enacts:**

**SECTION 1.** Article 8B of Chapter 115C of the General Statutes is amended by  
adding a new section to read:



"§ 115C-105.37B. Reform of continually low-performing schools.

(a) Notwithstanding any other provision of this Article, the State Board of Education is authorized to approve a local board of education's request to reform any school in its administrative unit which the State Board of Education has identified as one of the continually low-performing schools in North Carolina.

If the State Board of Education approves a local board of education's request to reform a school, the State Board of Education may authorize the local board of education to adopt one of the following models in accordance with State Board of Education requirements:

(1) Transformation model, which would address the following four specific areas critical to transforming a continually low-performing school:

a. Developing and increasing teacher and school leader effectiveness.

b. Comprehensive instructional reform strategies.

c. Increasing learning time and creating community-oriented schools.

d. Providing operational flexibility and sustained support.

(2) Restart model, in which the State Board of Education would authorize the local board of education to operate the school with the same exemptions from statutes and rules as a charter school authorized under Part 6A of Article 16 of this Chapter, or under the management of an educational management organization that has been selected through a rigorous review process. A school operated under this subdivision remains under the control of the local board of education, and employees assigned to the school are employees of the local school administrative unit. This subdivision shall not be interpreted to increase the maximum number of charter schools provided in G.S. 115C-238.29D(b).

(3) Turnaround model, which would involve, among other actions, replacing the principal, if the principal has been in that position for at least three years, and rehiring no more than fifty percent (50%) of the school's staff, adopting a new governance structure at the school consistent with this Article, and implementing an instructional program aligned with the Standard Course of Study.

(4) School closure model, in which a local school administrative unit would close the school consistent with G.S. 115C-72 and enroll the students who attended the school in other, higher-achieving schools in the local school administrative unit consistent with Article 25 of this Chapter.

(b) The State Board of Education shall adopt rules to develop requirements for the models for school reform established in subsection (a) of this section.

(c) The State Board shall establish a procedure to implement this section. This procedure shall include annual reporting requirements from local boards that are authorized to use one of the models under this section and shall include a procedure for removing or continuing the authorization."

**SECTION 2.** G.S. 115C-238.29D(b) reads as rewritten:

"(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than ~~100-106~~ charter schools statewide. If more than five charter schools in one local school administrative unit or more than ~~100-106~~ schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located. The State Board shall also give priority to applications for schools that will be located within local school administrative units that have no charter schools. If an existing charter school is designated as a School of Excellence by the State Board of Education, that charter school may apply to open additional charter schools, and these additional charter

schools shall not be included in the maximum number of charter schools provided in this subsection."

SECTION 3. G.S. 115C-238.29C is amended by adding a new subsection to read:

"(a1) The chartering entity shall continuously evaluate its process for reviewing applications in an effort to identify the characteristics of charter school founding members, boards, and academic programs that are predictive of later success of charter schools."

SECTION 4. G.S. 115C-238.29G reads as rewritten:

"§ 115C-238.29G. **Causes for nonrenewal or termination; disputes.**

(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the charter;
- (1a) Failure to meet the standards for academic growth and academic performance developed by the State Board of Education in accordance with subsection (a1) of this section;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the charter;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or
- (6) Other good cause identified.

(a1) The State Board of Education shall develop a diagnostic process of oversight to enable a timely response to inadequate performance by a school. Under this process, a school that demonstrates low growth in student performance and low student performance shall be reviewed, and the results of the review shall determine subsequent action relative to the school. By the end of the second year of operation, the minimum standard for academic growth for a charter school shall be a year's growth in individual student performance in a school year.

If the State Board of Education finds that a charter school has failed to meet its projected levels of improvement in student performance or had low levels of student performance for two consecutive years, the State Board may terminate or fail to renew that charter at the end of the school year in which that finding is made.

...."

SECTION 5. G.S. 115C-238.29F(g)(5) reads as rewritten:

"§ 115C-238.29F. **General requirements.**

...

(g) Admission Requirements. –

...

- (5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of ~~intellectual ability~~, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school's board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school's total

1 enrollment or to 20 students, whichever is less, and (ii) the charter school is  
2 not a former public or private school. If multiple birth siblings apply for  
3 admission to a charter school and a lottery is needed under G.S.  
4 115C-238.29F(g)(6), the charter school shall enter one surname into the  
5 lottery to represent all of the multiple birth siblings. If that surname of the  
6 multiple birth siblings is selected, then all of the multiple birth siblings shall  
7 be admitted. ~~Within one year after the charter school begins operation, the~~  
8 ~~population of the school shall reasonably reflect~~ Each year, the school shall  
9 make a good-faith effort to ensure that the applicant pool for admission to  
10 the school reasonably reflects the racial and ethnic composition of the  
11 general population residing within the local school administrative unit in  
12 which the school is located or the racial and ethnic composition of the  
13 special population that the school seeks to serve residing within the local  
14 school administrative unit in which the school is located. The school shall be  
15 subject to any court-ordered desegregation plan in effect for the local school  
16 administrative unit."

17 **SECTION 6.** Section 1 of this act is effective when it becomes law. The remainder  
18 of this act becomes effective July 1, 2010.  
19  
20  
21



## SENATE BILL 704: Reform Low-Performing Schools

2009-2010 General Assembly

**Committee:** House Judiciary II, if favorable,  
Appropriations  
**Introduced by:** Sen. Rand  
**Analysis of:** PCS to First Edition  
S704-CSRQ-48

**Date:** May 20, 2010  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *The PCS for SB 704 would authorize the State Board of Education to approve requests by local boards of education to reform a school identified by the State Board of Education as persistently low-performing, using one of four specific models: turnaround, restart, school closure, or transformation.*

**BILL ANALYSIS:** The PCS for SB 704 would create a new statute in Article 8B (School-Based Management and Accountability Program), GS 115C-105.37B.

This statute would authorize the State Board of Education (State Board) to approve a local board of education's (local board) request to reform any school in its local school administrative unit (LEA) identified by the State Board as a continually low-performing school. The State Board would have authority to authorize the local board to adopt one of four reform models:

1) Transformation model. – This model would require the following four specific areas be addressed in transforming the school:

- Developing and increasing teacher and school leadership effectiveness.
- Comprehensive instructional reform strategies.
- Increasing learning time and creating community-oriented schools.
- Providing operational flexibility and sustained support.

2) Restart model. – This model would authorize the local board to operate the school in one of the following ways:

- With the same exemptions from statutes and rules as a charter school.
- Under the management of an educational management organization selected through a rigorous review process.

Schools operated under this model would remain under the control of the local board of education, and employees assigned to the school would be employees of the LEA. The subdivision clarifies that it should not be interpreted to increase the maximum number of charter schools authorized by statute.

3) Turnaround model. – This model would require the following:

- Replacing the principal if the principal had been in that position for at least three years and rehiring no more than fifty percent (50%) of the school staff.
- Adopting a new governance structure at the school consistent with the Article.
- Implementing an instructional program aligned with the Standard Course of Study.

4) School closure model. – This model would close the school consistent with GS 115C-72 and enroll the students in other high-achieving schools within the LEA consistent with Article 25 of Chapter 115C.

The State Board would be required to adopt rules to develop requirements for the four models.

# Senate Bill 704

Page 2

The State Board would be required to establish a procedure implementing the section, including annual reporting requirements for authorized boards and a procedure for removing or continuing the authorization.

**EFFECTIVE DATE:** The PCS for SB 704 would become effective when it becomes law.

**BACKGROUND:** The American Recovery and Reinvestment Act included \$4.35 billion for the Race to the Top Fund, a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform. In the Overview Information on the application process published by the U.S. Department of Education in the Federal Register, one category of consideration in awarding grants to states is the Reform Plan Criteria, specifically, support of LEAs in turning around lowest achieving schools by implementing one of four school intervention models – turnaround, restart, school closure, or transformation.

*S704-SMTC-133(CSRQ-48) v1*

**ROLL CALL VOTE**

YES - 21 NO - 29 = 50

HB -

SB - 704

Absent - 7

**HOUSE STANDING COMMITTEE ON EDUCATION**

REPRESENTATIVES	Y	N	A	REPRESENTATIVES	Y	N	A
ADAMS			*	JOHNSON	*		
ALEXANDER		*		LANGDON	*		
AVILA	*			LOVE		*	
BLACKWELL	*			McCORMICK	*		
BLACKWOOD	*			McELRAFT	*		
BORDSEN		*		McLAWHORN		*	
BROWN	*			MICHAUX			*
BRYANT		*		MILLS			*
CARNEY		*		PARFITT		*	
CLEVELAND	*			PARMON		*	
COTHAM		*		RAPP		*	
DOCKHAM			*	RHYNE	*		
DOLLAR	*			ROSS		*	
ENGLAND		*		SAMUELSON	*		
FISHER		*		STAM	*		
FLOYD-B	*			STEWART			*
FLOYD E.			*	TARLETON		*	
FOLWELL	*			TILLIS	*		
GILL		*		TOLSON		*	
GLAZIER		*		WARREN E.		*	
GOODWIN-W		*		WARREN R.		*	
HALL		*		WHILDEN		*	
HILTON	*			WILEY	*		
HOLLOWAY	*			WILKENS		*	
HURLEY	*			WOMBLE			*
ILER	*			YONGUE		*	
INSKO		*		BELL		*	
JACKSON		*		LUCAS		*	
JEFFUS		*					

57 Total Committee Members  
(A) = Absent

Re: Representative Stam – Motion Failed



## NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

DATE 5/20/10S. B. No. 704

Amendment No. \_\_\_\_\_

COMMITTEE SUBSTITUTE S704 CSRA-48(to be filled in by  
Principal Clerk)Rep.) Blackwood  
Sen.) \_\_\_\_\_1 moves to amend the bill on page 1, line 4

2 (✓) WHICH CHANGES THE TITLE

3 by inserting after "LOW-PERFORMING"; the word "PUBLIC"; and

4 on line 14 by deleting "NO" and substituting "AN"; and on  
5 line 12 by deleting "UNDER THE SAME RULES"

6 and on p. 2, line 2 by inserting

7 "public" after "low performing"; and on

8 pg. 2 lines 13-14 by deleting

9 "with the same exemptions from statute rules"; and on

10

11 pg. 2 line 17 by inserting "does not" after the12 word "Submission" and on pg. 2, line 17, by deleting13 "remains" and substituting "remain" and on

14 pg. 2, line 19 by rewriting the line to read

15 "employees of the charter school. This Submission shall"

16

17

18

19

SIGNED

Curtis Blackwood

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**SB 704** A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL  
STATUTES WITH RESPECT TO POOLED TRUSTS AND ESTATE RECOVERY UNDER  
MEDICAID.

☒ With a favorable report as to the House committee substitute bill, which changes the title,  
unfavorable as to the original bill..

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
May 25, 2010

The House Committee on Education met at 11:00 a.m. on Tuesday, May 25, 2010 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Parmon and Womble; **Members:** Avila, Blackwell, Bordsen, Brown, Bryant, Carney, Cleveland, Dockham, Dollar, B. Floyd, E. Floyd, Gill, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Iler, Jackson, Langdon, McCormick, McElraft, McLawhorn, Mills, Parfitt, Rapp, Rhyne, Ross, Samuelson, Stewart, Tarleton, Tillis, E. Warren, R. Warren, Whilden, Wiley, and Wilkins.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. The agenda was presented and the following bills were before the committee:

**HB 1682 – A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT FOR STUDENTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.**

**Representative Lucas** moved to accept the PCS and without objection the motion passed. **Representative Glazier** explained that the Proposed Committee Substitute would prohibit the use of corporal punishment on a student with a disability if the student's parent or guardian has stated in writing that corporal punishment shall not be administered on the student. It would also establish a new reporting requirement on use of corporal punishment. Local boards of education would be required to annually report to the State Board Education on the number of times corporal punishment was administered. The report must be in compliance with federal Family Educational Rights and Privacy Act to ensure that students are not personally identifiable, and must include the following information:

- The number of students who received corporal punishment;
- The number of students who received corporal punishment who were also students with disabilities and eligible to receive special education and related services under Individuals with Disabilities Education Act (IDEA);
- The grade level of the students who receive corporal punishment; and
- The race of the students who received corporal punishment.

**Representative Tarleton** moved for a favorable report to the committee substitute bill, which changes the title, unfavorable to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on Judiciary II. HB 1682 passed.

**HB 1683 – A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF AN ACT PERTAINING TO THE DISCIPLINE AND HOMEBOUND INSTRUCTION OF STUDENTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.**

**Representative Glazier** explained that HB 1683 would simply delay the sunset General Status 115C-107.7(c) which provides that a local educational agency is deemed to have a "basis of knowledge" that a child is a child with a disability if the past behavior and behavior of the child clearly and convincingly established the need for special education. Representative Lucas stated that the bill was reviewed thoroughly and was a unanimous recommendation of the Joint Legislative Education Oversight Committee. Representative Blackwell queries the reason for a sunset provision and Representative Glazier explains that it provides for those in the gap area.

**Representative Lucas** moved for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary II. HB 1683 passed.

**HB 1700 – A BILL TO BE ENTITLED AN ACT TO EXPAND MODELS OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS TO INCLUDE FIVE-YEAR CAREER ACADEMIES WITHIN EXISTING SCHOOLS AND TO REQUIRE THAT CAREER ACADEMIES APPROVED AS COOPERATIVE INNOVATIVE HIGH SCHOOLS NOT RECEIVE A SEPARATE SCHOOL CODE AND THAT RECORDS BE MAINTAINED FOR STUDENTS ENROLLED IN THE CAREER ACADEMIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.**

**Representative Glazier** explained that HB 1700 was more of a technical change than anything and the five-year career academy operating as a part of an existing high school would continue to use the existing school code assigned by the department of Public Instruction and would maintain records to identify and evaluate students in the program.

**Representative Cotham** moved for a favorable report and recommendation that the bill be re-referred to the House Committee on Appropriations. HB 1700 passed.

**SB 1022 – A BILL TO BE ENTITLED AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DUE TO INCLEMENT WEATHER DURING THE 2009-2010 SCHOOL YEAR TO LOCAL SCHOOL ADMINISTRATIVE UNITS OR SHARTER SCHOOLS LOCATED IN ASHE, AVERY, AND WATAUGA COUNTIES.**

**Representative Lucas** moved to accept the PCS and without objection the motion passed. **Representative Tarleton** explained the Proposed Committee Substitute for Senate Bill 1022 which would create an exception to the required time for instruction for local school administrative units in Ashe, Avery, and Watauga Counties. The PCS would provide that a school calendar would include either 180 days or 1,000 hours of instruction. The PCS would provide that local boards of education that comply with this exception by scheduling 1,000 hours or less than 180 days due to inclement weather are deemed to have a minimum of 180 days of instruction, and employees must be compensated accordingly.

The PCS would also provide that charter schools in Ashe, Avery, and Watauga Counties would not have to meet the 180 days of instruction per year requirement for charter schools.

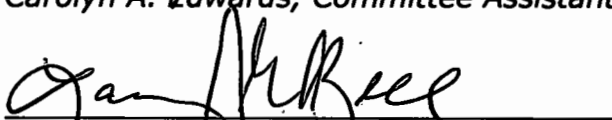
Flexibility to make up instructional days missed due to inclement weather during the 2009-2010 school year would apply only to Ashe, Avery, and Watauga Counties.

**Representative Carney** moved for a favorable report to House committee substitute bill 2, which changes the title, unfavorable to House committee substitute bill 1 and the House Education Committee unanimously passed House Committee Substitute for SB 1022.

**Chairman Bell** adjourned the meeting at 11:45 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, May 25, 2010

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1682	Ban Corp. Punish. for Children W/Disabilit.	Representative Glazier Representative M. Alexander Representative Lucas Representative Rapp
HB 1683	Amend Sunset/Children w/Disab.	Representative Glazier Representative Lucas Representative E. Warren Representative Yongue
HB 1700	Career Acad. as Coop. Innov. High School.	Representative Glazier Representative Yongue Representative Braxton
SB 1022	Comparative Effectiveness Task Force.	Senator Stein

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
1 o'clock on **May 20, 2010**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

May 25, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Rob Hines	NCOP
Karen Wells	Arch North Carolina
BRIAN DEMPSEY	MWC
Josiah Irvin	Braxton Intern
Andrew Jones	Tarleton Intern
Lorea Stallard	Reese Intern
Terry M. Brown Jr.	Bryant Intern
Kim Cleary	DRNC
Mike McLaughlin	Lt. Governor's Office
Floyd Landis	Bikin' + Accusations
Adam Linker	NCTC
Suzette Perkins	Fayetteville State Univ

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

May 25, 2010

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Mark Fleming	BCBSNC
John D. Fleming	NC New Schools Project
Linda Duke	NCAE
Marge Foreman	NCAE
Tom W. Stagner	ACF
Sheria Reid	SOG
GALE GAINES	SO. REGIONAL EDUCATION BD
Gladys A. Robinson	UNC Board of Governors
Rob Thompson	Covenant w/ NC's Children
Elizabeth Ireland	Covenant w/ NC's children
Mary Watson	NCDPI
Irene Wolfe	NC DPI



# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

May 25, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Michele McIver-Bell	Fayetteville State Univ and UNC Staff Assembly
Reater James Warren	Fayetteville State University
Michaela Brown	Fayetteville State University Office of Alumni Affairs 1200 Murchison Rd. Fay NC 28301
Erin McLaughlin	1331 Sunday Dr. Kaleigh
Nancy Harris	Fayetteville State University
Linda Bihari	Fayetteville State University
Karen Stealing	Fayetteville State University
Zelphia Hinnant Jones	Fayetteville State University
Emily M. Dickens	Fayetteville State University
Terri Shelton	UNIV NC at Greensboro
Mike Tarant	UNC Greensboro
Mark Ezzell	MCNC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

May 25, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
E. Albertina Mc Girt	Campus P.O. A-22 Greensboro, (27411) NCA&T State Univ./Upward Bound Prog.
Sharon S. Mitchell	NCA&T State University Dept. of Animal Sciences 1601 E. Market St., GSO, NC 27411
Floyd James	NCA&T State U Physics
LINDA FLORENCE CALLAHAN	NC A & T State University Dept. of Journalism & Mass Communication Faculty Senate - President, Greensboro 27411
Ann Goodnight	Bd of Gov, UNC
Fred Mills	Bd of Gov, UNC
CHARLES HAYES	"
BRENT BARRINGER	"
Charletta Barringer-Brown	Fayetteville State University 1200 Murchison Road Fayetteville, NC 28311
Vedas Neal	Fayetteville State Univ. 1200 Murchison Rd. Fayetteville, NC 28311
Thomas E Conway	Fayetteville State University 1200 Murchison Rd. Fayetteville, NC 28311
W. T. BROWN	FSU 1840 Broadway Dr. Fayetteville, N.C. 28301

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

May 25, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
DAVID BARNES	Poyne Sproul
Chris Minard	NC State Bd of Ed
Jim Stegall	U.C.P.S.
Gen. Causby	NCSCA
Peyton May	gpc
Julia Adams	The Arc of NC
Ann Norris	Public School of Tomorrow
Katherine Joyce	NCAASA
Evelyn Hawthorne	ETA GK
CLAU HANSEN	MERIC
Janice Ayers	NCCAT, Ed Consultant
Weatherly Rose	Horton + Williams

**COMMITTEE ON EDUCATION**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

[illegible]

# VISITOR REGISTRATION SHEET

Name of Committee . . .

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

AL DE ITCU

DO A/ Y AID

Bill Rowe

NC Testing Center

# **EDUCATION COMMITTEE**

## **HOUSE PAGES**

**May 25, 2010**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Isaiah McArthur</b>	<b>Durham</b>	<b>Michaux</b>
<b>Perry Wester</b>	<b>Vance</b>	<b>Holliman</b>
<b>Shanita Dildy-Goings</b>	<b>Nash</b>	<b>Hackney</b>
<b>Kenya Smith</b>	<b>Johnston</b>	<b>Hackney</b>

## **INTERN**

**J'Marcus Underwood**

## **SGT-AT-ARMS**

**Toussaint Avent**

**William Bass**

**John Brandon**

**Marvin Lee**

**Trey Raley**

## **Committee Assistants**

**Thelma Utley**

**Carolyn Edwards**

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**MAY 25, 2010**

**11:00 A.M.**

**Room 643 LOB**

***Representative Bell***

***Presiding Chair***

### **CALL TO ORDER**

### **OPENING REMARKS**

Bills to be considered:

SB 1022	Comparative Effectiveness Task Force.	Senator Stein
HB 1683	Amend Sunset/Children w/Disab.	Representative Glazier Representative Lucas Representative E. Warren Representative Yongue
HB 1700	Career Acad. as Coop. Innov. High School.	Representative Glazier Representative Yongue Representative Braxton
HB 1682	Ban Corp. Punish. for Children W/Disabilit.	Representative Glazier Representative M. Alexander Representative Lucas Representative Rapp

**AJOURNMENT**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1682\*  
PROPOSED COMMITTEE SUBSTITUTE H1682-PCS60075-RQ-50

Short Title: Corp. Punish. and Children W/Disabilit.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT ON A STUDENT WITH A DISABILITY AS DEFINED IN G.S. 115C-106.3(1) OR SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973 WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-107.7 reads as rewritten:

"§ 115C-107.7. ~~Discipline~~ Discipline, corporal punishment, and homebound instruction.

(a) The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

(a1) Any corporal punishment administered on students with disabilities shall be consistent with the requirements of G.S. 115C-391(a)(5).

(b) If a change of placement occurs under the discipline regulations of IDEA, a local educational agency shall not assign a student to homebound instruction without a determination by the student's IEP team that the homebound instruction is the least restrictive alternative environment for that student. If it is determined that the homebound instruction is the least restrictive alternative environment for the student, the student's IEP team shall meet to determine the nature of the homebound educational services to be provided to the student. In addition, the continued appropriateness of the homebound instruction shall be evaluated monthly by the designee or designees of the student's IEP team.

(c) (Effective January 1, 2009, and expires March 1, 2011. – see notes) A local educational agency shall be deemed to have a "basis of knowledge" that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. Prior disciplinary infractions shall not, standing alone, constitute clear and convincing evidence."

SECTION 2. G.S. 115C-391 reads as rewritten:

"(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension,



\* H 1 6 8 2 - P C S 6 0 0 7 5 - R Q - 5 0 \*



expulsion, or the administration of corporal punishment. Local boards of education shall include a reasonable dress code for students in these policies.

The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

- (1) Corporal punishment shall not be administered in a classroom with other ~~children present; students present.~~
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal ~~punishment; punishment.~~
- (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the ~~punishment; and punishment.~~
- (4) An appropriate school official shall provide the ~~child's~~ student's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the ~~child's~~ student's parent or guardian a written explanation of the reasons and the name of the second school official who was present.
- (5) Corporal punishment shall not be administered on a student who is a child with a disability as defined in G.S. 115C-106.3(1) or on a student with a disability who is covered under section 504 of the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, whose parent or guardian has stated in writing that corporal punishment shall not be administered on that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. If a parent or guardian has not submitted in writing that corporal punishment shall not be used on the student, then the form shall be presented to the parent or guardian at the first individualized education program or section 504 plan meeting held during the school year.

Each local board shall publish all the policies mandated by this subsection and make them available to each student and ~~his~~ each student's parent or guardian at the beginning of each school year. Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

- (1) To quell a disturbance threatening injury to others;
- (2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
- (3) For self-defense;
- (4) For the protection of persons or property; or
- (5) To maintain order on school property, in the classroom, or at a school-related activity on or off school property.

(a1) Each local board of education shall report annually to the State Board of Education, in a manner prescribed by the State Board of Education, on the number of times that corporal punishment was administered. The report shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and shall include the following:

- (1) The number of students who received corporal punishment.
- (2) The number of students who received corporal punishment who were also students with disabilities and were eligible to receive special education and related services under the federal Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.
- (3) The grade of the students who receive corporal punishment.

(4) The race of the students who received corporal punishment.

...."

**SECTION 3.** This act is effective when it becomes law and applies beginning with the 2010-2011 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1682\*

Short Title:	Ban Corp. Punish. for Children W/Disabilit.	(Public)
Sponsors:	Representatives Glazier, M. Alexander, Lucas, Rapp (Primary Sponsors); Adams, Brown, Carney, Cotham, Earle, Farmer-Butterfield, Fisher, Gill, Goforth, Harrison, Hughes, Insko, Jackson, Johnson, Jones, Luebke, Mobley, Neumann, Parfitt, Pierce, Tarleton, Weiss, Whilden, and Yongue.	
Referred to:	Education, if favorable, Judiciary II.	

May 13, 2010

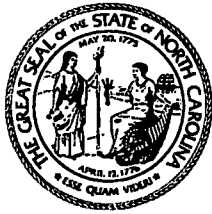
1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT FOR STUDENTS  
3 WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE  
4 EDUCATION OVERSIGHT COMMITTEE.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. G.S. 115C-107.7 reads as rewritten:  
7 "**§ 115C-107.7. Discipline-Discipline, corporal punishment, and homebound instruction.**  
8 (a) The policies and procedures for the discipline of students with disabilities shall be  
9 consistent with federal laws and regulations.  
10 (a1) Corporal punishment shall not be administered on students with disabilities.  
11 (b) If a change of placement occurs under the discipline regulations of IDEA, a local  
12 educational agency shall not assign a student to homebound instruction without a determination  
13 by the student's IEP team that the homebound instruction is the least restrictive alternative  
14 environment for that student. If it is determined that the homebound instruction is the least  
15 restrictive alternative environment for the student, the student's IEP team shall meet to  
16 determine the nature of the homebound educational services to be provided to the student. In  
17 addition, the continued appropriateness of the homebound instruction shall be evaluated  
18 monthly by the designee or designees of the student's IEP team.  
19 (c) (Effective January 1, 2009, and expires March 1, 2011 – see notes) A local  
20 educational agency shall be deemed to have a "basis of knowledge" that a child is a child with a  
21 disability if, prior to the behavior that precipitated the disciplinary action, the behavior and  
22 performance of the child clearly and convincingly establishes the need for special education.  
23 Prior disciplinary infractions shall not, standing alone, constitute clear and convincing  
24 evidence."  
25 SECTION 2. G.S. 115C-391(a) reads as rewritten:  
26 "(a) Local boards of education shall adopt policies not inconsistent with the provisions  
27 of the Constitutions of the United States and North Carolina, governing the conduct of students  
28 and establishing procedures to be followed by school officials in suspending or expelling any  
29 student, or in disciplining any student if the offensive behavior could result in suspension,  
30 expulsion, or the administration of corporal punishment. Local boards of education shall  
31 include a reasonable dress code for students in these policies.  
32 The policies that shall be adopted for the administration of corporal punishment shall  
33 include at a minimum the following conditions:



\* H 1 6 8 2 - V - 1 \*

- 1 (1) Corporal punishment shall not be administered in a classroom with other  
2 ~~children-students~~ present;
- 3 (1a) As provided in G.S. 115C-107.7(a1), corporal punishment shall not be  
4 administered on a student who is a child with a disability as defined in  
5 G.S. 115C-106.3(1);
- 6 (2) The student body shall be informed beforehand what general types of  
7 misconduct could result in corporal punishment;
- 8 (3) Only a teacher, substitute teacher, principal, or assistant principal may  
9 administer corporal punishment and may do so only in the presence of a  
10 principal, assistant principal, teacher, substitute teacher, teacher assistant, or  
11 student teacher, who shall be informed beforehand and in the student's  
12 presence of the reason for the punishment; and
- 13 (4) An appropriate school official shall provide the ~~child's-student's~~ parent or  
14 guardian with notification that corporal punishment has been administered,  
15 and upon request, the official who administered the corporal punishment  
16 shall provide the ~~child's-student's~~ parent or guardian a written explanation of  
17 the reasons and the name of the second school official who was present.
- 18 Each local board shall publish all the policies mandated by this subsection and make them  
19 available to each student and ~~his~~ each student's parent or guardian at the beginning of each  
20 school year. Notwithstanding any policy adopted pursuant to this section, school personnel may  
21 use reasonable force, including corporal punishment, to control behavior or to remove a person  
22 from the scene in those situations when necessary:
- 23 (1) To quell a disturbance threatening injury to others;
- 24 (2) To obtain possession of weapons or other dangerous objects on the person,  
25 or within the control, of a student;
- 26 (3) For self-defense;
- 27 (4) For the protection of persons or property; or
- 28 (5) To maintain order on school property, in the classroom, or at a  
29 school-related activity on or off school property."

30 **SECTION 3.** This act is effective when it becomes law and applies beginning with  
31 the 2010-2011 school year.



## HOUSE BILL 1682: Corp. Punish. and Children W/Disabilit

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary II	<b>Date:</b>	May 25, 2010
<b>Introduced by:</b>	Reps. Glazier, M. Alexander, Lucas, Rapp	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	H1682-CSRQ-50[v.4]		

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**SUMMARY:** *House Bill 1682 would prohibit the use of corporal punishment on students with disabilities as recommended by the Joint Legislative Education Oversight Committee.*

*The Proposed Committee Substitute for House Bill 1682 would prohibit the use of corporal punishment on a student with a disability if the student's parent or guardian has stated in writing that corporal punishment shall not be administered on the student. It would also require local boards of education to report occurrences of corporal punishment to the State Board of Education.*

**CURRENT LAW:** Neither the federal Individuals with Disabilities Education Act, (IDEA) nor Section 504 of the federal Rehabilitation Act of 1973 bans the administration of corporal punishment for students with disabilities.<sup>1</sup> IDEA provides that in cases of disciplinary changes of placement (such as a suspension of more than 10 days), there must be a determination of whether the behavior that led to the change of placement was a manifestation of the disability and if it was, then the Individualized Education Plan (IEP) team must make appropriate changes. IDEA does not require a manifestation determination for discipline issues that do not result a change of placement.

State law also does not prohibit corporal punishment in schools and makes no exception for students with disabilities. G.S. 115C-391(a) requires a local board to adopt a policy governing student discipline. A school board is not required to adopt a discipline policy that allows corporal punishment, but, if such a policy is adopted, the statute sets out the following minimum conditions that must be in the policy for the administration of corporal punishment:

- Corporal punishment cannot be administered in a classroom with other children present.
- The student body must know what types of misconduct may result in this punishment. Discipline policies must be published and made available to students and parents at the beginning of each school year.
- Corporal punishment may be administered only by a teacher, substitute teacher, assistant principal, or principal and must be witnessed by one of these individuals, a teacher assistant, or a student teacher. Prior to the administration of the corporal punishment and in the student's presence, the witness must be informed of the reason for the punishment.
- An appropriate school official must notify the parent or guardian that this punishment was administered. If requested by the parent or guardian, the notice must be in writing and must include reasons for the corporal punishment and the name of the witness.

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<sup>1</sup> The federal IDEA ensures that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services that is designed to meet their unique needs. If a child with a disability does not need special education but only needs related services such as transportation accommodation, then child would not be child with a disability for the purposes of IDEA. However, that child would be covered under Section 504 of the Rehabilitation Act of 1973 which protects the rights of individuals with disabilities from discrimination in programs and activities that receive monies from the U.S. Department of Education which include local and State education agencies.

# House Bill 1682

Page 2

Even in school systems that do not adopt a policy to authorize corporal punishment, the law allows school personnel to use reasonable force, including corporal punishment to control behavior or remove a person from a situation if necessary: (i) to stop a disturbance threatening injury to others; (ii) to obtain dangerous objects or weapons from a student; (iii) for self-defense; (iv) to protect persons or property; or (v) to maintain order.

**BILL ANALYSIS:** The Proposed Committee Substitute for House Bill 1682 would prohibit the administration of corporal punishment on a student who is a child with a disability as defined in G.S. 115C-106.3(1) (which is in Article 9—the Education of Children with Disabilities) or on a student with a disability who is covered under Section 504 of the federal Rehabilitation Act of 1973 if the parent or guardian of the student has stated in writing that the corporal punishment may not be administered on that student. Parents and guardians would be given a form to make such an election at the beginning of the school year, when the student first enters the school during the year, or at the first IEP or Section 504 plan meeting.

The PCS would also establish a new reporting requirement on use of corporal punishment. Local boards of education would be required to annually report to the State Board of Education on the number of times corporal punishment was administered. The report must be in compliance with the federal Family Educational Rights and Privacy Act to ensure that students are not personally identifiable, and must include the following information:

- The number of students who received corporal punishment;
- The number of students who received corporal punishment who were also students with disabilities and eligible to receive special education and related services under IDEA;
- The grade level of the students who receive corporal punishment; and
- The race of the students who received corporal punishment.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and would apply beginning with the 2010-2011 school year.

**BACKGROUND:** Among the school systems in the State that allow corporal punishment, a few appear to make limited exceptions for students with disabilities. For example, the Duplin County Board of Education's policy on corporal punishment prohibits the administration of corporal punishment on a student whom school personnel know to be under treatment for emotional disabilities without conference with the treating agency. The Stanley County Board of Education's policy requires that before corporal punishment is administered on a student, the student must be asked if he or she has "any physical disability which could prevent corporal punishment".

*H1682-SMRQ-137(CSRQ-50) v4*

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1682\*  
PROPOSED COMMITTEE SUBSTITUTE H1682-CSRQ-50 [v.4]

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Short Title: Corp. Punish. and Children W/Disabilit.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE USE OF CORPORAL PUNISHMENT ON A STUDENT WITH A DISABILITY AS DEFINED IN G.S. 115C-106.3(1) OR SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973 WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT TO THE STATE BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-107.7 reads as rewritten:

**"§ 115C-107.7. ~~Discipline~~ Discipline, corporal punishment, and homebound instruction.**

(a) The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

(a1) Any corporal punishment administered on students with disabilities shall be consistent with the requirements of G.S. 115C-391(a)(5).

(b) If a change of placement occurs under the discipline regulations of IDEA, a local educational agency shall not assign a student to homebound instruction without a determination by the student's IEP team that the homebound instruction is the least restrictive alternative environment for that student. If it is determined that the homebound instruction is the least restrictive alternative environment for the student, the student's IEP team shall meet to determine the nature of the homebound educational services to be provided to the student. In addition, the continued appropriateness of the homebound instruction shall be evaluated monthly by the designee or designees of the student's IEP team.

(c) **(Effective January 1, 2009, and expires March 1, 2011 – see notes)** A local educational agency shall be deemed to have a "basis of knowledge" that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. Prior disciplinary infractions shall not, standing alone, constitute clear and convincing evidence."

**SECTION 2.** G.S. 115C-391 reads as rewritten:

(a) Local boards of education shall adopt policies not inconsistent with the provisions of the Constitutions of the United States and North Carolina, governing the conduct of students and establishing procedures to be followed by school officials in suspending or expelling any student, or in disciplining any student if the offensive behavior could result in suspension,



\* H 1 6 8 2 - C S R Q - 5 0 - V - 4 \*

expulsion, or the administration of corporal punishment. Local boards of education shall include a reasonable dress code for students in these policies.

The policies that shall be adopted for the administration of corporal punishment shall include at a minimum the following conditions:

- (1) Corporal punishment shall not be administered in a classroom with other ~~children present; students present.~~
- (2) The student body shall be informed beforehand what general types of misconduct could result in corporal ~~punishment; punishment.~~
- (3) Only a teacher, substitute teacher, principal, or assistant principal may administer corporal punishment and may do so only in the presence of a principal, assistant principal, teacher, substitute teacher, teacher assistant, or student teacher, who shall be informed beforehand and in the student's presence of the reason for the ~~punishment; and punishment.~~
- (4) An appropriate school official shall provide the ~~child's~~ student's parent or guardian with notification that corporal punishment has been administered, and upon request, the official who administered the corporal punishment shall provide the ~~child's~~ student's parent or guardian a written explanation of the reasons and the name of the second school official who was present.
- (5) Corporal punishment shall not be administered on a student who is a child with a disability as defined in G.S. 115C-106.3(1) or on a student with a disability who is covered under Section 504 of the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, whose parent or guardian has stated in writing that corporal punishment shall not be administered on that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. If a parent or guardian has not submitted in writing that corporal punishment shall not be used on the student then the form shall be presented to the parent or guardian at the first individualized education program or Section 504 plan meeting held during the school year.

Each local board shall publish all the policies mandated by this subsection and make them available to each student and ~~his~~ each student's parent or guardian at the beginning of each school year. Notwithstanding any policy adopted pursuant to this section, school personnel may use reasonable force, including corporal punishment, to control behavior or to remove a person from the scene in those situations when necessary:

- (1) To quell a disturbance threatening injury to others;
- (2) To obtain possession of weapons or other dangerous objects on the person, or within the control, of a student;
- (3) For self-defense;
- (4) For the protection of persons or property; or
- (5) To maintain order on school property, in the classroom, or at a school-related activity on or off school property.

(a1) Each local board of education shall report annually to the State Board of Education, in a manner prescribed by the State Board of Education, on the number of times that corporal punishment was administered. The report shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and shall include the following:

- (1) The number of students who received corporal punishment.
- (2) The number of students who received corporal punishment who were also students with disabilities and were eligible to receive special education and related services under the federal Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et. seq.
- (3) The grade of the students who receive corporal punishment.



(4) The race of the students who received corporal punishment.

...."

**SECTION 3.** This act is effective when it becomes law and applies beginning with the 2010-2011 school year.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1682** A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF  
CORPORAL PUNISHMENT FOR STUDENTS WITH DISABILITIES AS RECOMMENDED BY  
THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1683\*

Short Title: Amend Sunset/Children w/Disab. (Public)

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Sponsors: Representatives Glazier, Lucas, E. Warren, Yongue (Primary Sponsors);  
Adams, Brown, Carney, Goforth, Harrison, Hughes, Insko, Jackson, Johnson,  
Neumann, Parfitt, Pierce, Rapp, and Tarleton.

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Referred to: Education, if favorable, Judiciary II.

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May 13, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO DELAY THE SUNSET OF AN ACT PERTAINING TO THE DISCIPLINE  
3 AND HOMEBOUND INSTRUCTION OF STUDENTS WITH DISABILITIES AS  
4 RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
5 COMMITTEE.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Section 5 of S.L. 2008-90 reads as rewritten:  
8 "SECTION 5. Section 3 of this act becomes effective January 1, 2009, and expires March  
9 1, 2011. June 1, 2013. The remainder of this act is effective when it becomes law."  
10 SECTION 2. This act is effective when it becomes law.



\* H 1 6 8 3 - V - 1 \*



# HOUSE BILL 1683: Amend Sunset/Children w/Disab

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Judiciary II	<b>Date:</b>	May 25, 2010
<b>Introduced by:</b>	Reps. Glazier, Lucas, E. Warren, Yongue	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 1683 would delay the sunset of G.S. 115C-107.7(c) which provides that a local educational agency is deemed to have a "basis of knowledge" that a child is a child with a disability if the past behavior and behavior of the child clearly and convincingly established the need for special education. The bill is a recommendation of the Joint Legislative Education Oversight Committee.*

[As introduced, this bill was identical to S1140, as introduced by Sen. Foriest, which is currently in Senate Education/Higher Education.]

**CURRENT LAW:** G.S. 115C-107.7(c) provides that a local educational agency is deemed to have a "basis of knowledge" that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. The statute specifically states that past disciplinary infractions, on their own, do not constitute clear and convincing evidence that there was a need for special education. This provision will expire March 1, 2011.

**BILL ANALYSIS:** House Bill 1683 would delay the sunset of G.S. 115C-107.7(c) to June 1, 2013.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** Section 300.534 of the current federal Individuals with Disabilities Education Act (IDEA) regulations provides the standards for determining whether or not a public agency had knowledge that a child who "engaged in behavior that violated a code of student conduct" was a child with a disability before the behavior that precipitated the disciplinary action. A public agency is deemed to have knowledge if (a) the parent of the child expressed concern that the child needs special education and related services, (b) the parent requested an evaluation of the child, or (c) the child's teacher or other LEA personnel expressed specific concerns about a pattern of behavior demonstrated by the child. (See chart below)

In the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA), the "behavior or performance of the child demonstrates the need for these services" was eliminated as a standard for the public agency's basis of knowledge for children not determined eligible for special education and related services. However, in 2008, S.L. 2008-90 added G.S. 115C-107.7(c) which is a similar standard in order to provide State level protection.

H1683-SMRQ-134(e1) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1683**                    A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF AN  
ACT PERTAINING TO THE DISCIPLINE AND HOMEBOUND INSTRUCTION OF STUDENTS  
WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION  
OVERSIGHT COMMITTEE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009.

H

1

HOUSE BILL 1700\*

Short Title: Career Acad. as Coop. Innov. High School. (Public)

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Sponsors: Representatives Glazier, Yongue, Braxton (Primary Sponsors); M. Alexander, Carney, Fisher, Gill, Harrison, Hughes, Insko, Johnson, Luebke, McLawhorn, Parfitt, Pierce, and Weiss.

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Referred to: Education, if favorable, Appropriations.

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May 13, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND MODELS OF COOPERATIVE INNOVATIVE HIGH SCHOOL  
3 PROGRAMS TO INCLUDE FIVE-YEAR CAREER ACADEMIES WITHIN EXISTING  
4 SCHOOLS AND TO REQUIRE THAT CAREER ACADEMIES APPROVED AS  
5 COOPERATIVE INNOVATIVE HIGH SCHOOLS NOT RECEIVE A SEPARATE  
6 SCHOOL CODE AND THAT RECORDS BE MAINTAINED FOR STUDENTS  
7 ENROLLED IN THE CAREER ACADEMIES, AS RECOMMENDED BY THE JOINT  
8 LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY  
9 COMMISSION.  
10 The General Assembly of North Carolina enacts:  
11 **SECTION 1.** G.S. 115C-238.50(e) reads as rewritten:  
12 "(e) Cooperative innovative high school programs may include the creation of a school  
13 within a school, a technical high school, ~~or a high school or technical center located on the~~  
14 campus of a college or university, university, or a five-year career academy operating as part of  
15 an existing high school."  
16 **SECTION 2.** G.S. 115C-238.54 reads as rewritten:  
17 "**§ 115C-238.54. Funds for programs.**  
18 (a) The Department of Public Instruction shall assign a school code for each program  
19 that is approved under this ~~Part.~~ Part, with the exception of a five-year career academy  
20 operating as part of an existing high school, which shall continue to use the existing school  
21 code. All positions and other State and federal allotments that are generated for this program  
22 shall be assigned to that school code. Notwithstanding G.S. 115C-105.25, once funds are  
23 assigned to that school code, the local board of education may use these funds for the program  
24 and may transfer these funds between funding allotment categories.  
25 (a1) A five-year career academy operating as part of an existing high school shall  
26 maintain records to identify and evaluate students enrolled in the five-year career academy  
27 program distinct from the general school population.  
28 ..."  
29 **SECTION 3.** This act is effective when it becomes law and applies beginning with  
30 the 2010-2011 school year.



\* H 1700 - V - 1 \*



# HOUSE BILL 1700: Career Acad. as Coop. Innov. High School

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	May 20, 2010
<b>Introduced by:</b>	Reps. Glazier, Yongue, Braxton	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 1700 would allow for a five-year career academy operating within an existing school to be added to the current models of cooperative innovative high school programs. The five-year career academy operating as a part of an existing high school would continue to use the existing school code assigned by the Department of Public Instruction and would maintain records to identify and evaluate students in the program.*

*House Bill 1700 is a recommendation of the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission.*

[As introduced, this bill was identical to S1202, as introduced by Sen. Swindell, which is currently in Senate Education/Higher Education.]

**EFFECTIVE DATE:** The act is effective when it becomes law and applies beginning with the 2010-2011 school year.

**CURRENT LAW:** G.S. 116C-4 directs the Education Cabinet to set as a priority cooperative efforts between secondary schools and institutions of higher education to reduce high school dropout rates, increase high school and college graduation rates, decrease the need for remediation in institutions of higher education, and raise certificate, associate and bachelor degree completion rates.

Part 9 of Article 16 of Chapter 115C (Cooperative Innovative High School Programs) authorizes local boards of education to jointly establish with one or more boards of trustees cooperative innovative programs in high schools and colleges or universities.

The purpose of the programs is to expand students' opportunities for educational success through high-quality instructional programming. The programs shall target (i) high school students who are at risk of dropping out of school before attaining a high school diploma, or (ii) high school students who would benefit from accelerated academic instruction.

The programs may include the creation of a school within a school, a technical high school, or a high school or technical center located on a college or university campus. Students are eligible to attend these programs as early as ninth grade.

An approved program is accountable to the local board of education but may be exempted from laws and rules applicable to a local board of education, a local school administrative unit, a community college, a constituent institution, or a local board of trustees except as otherwise provided by the act and the program agreement. A program would operate under the terms of a signed written agreement for no more than five years.

The Department of Public Instruction shall assign a school code for each approved program. All positions and other State and federal allotments that are generated for this program shall be assigned to that school code. Once the funds are assigned, the local board may transfer these funds between funding allotment categories.

The State Board of Education and the governing Boards shall annually evaluate the success of students in the programs.

H1700-SMRJ-101(e1) v4

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1700**            A BILL TO BE ENTITLED AN ACT TO EXPAND MODELS OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS TO INCLUDE FIVE-YEAR CAREER ACADEMIES WITHIN EXISTING SCHOOLS AND TO REQUIRE THAT CAREER ACADEMIES APPROVED AS COOPERATIVE INNOVATIVE HIGH SCHOOLS NOT RECEIVE A SEPARATE SCHOOL CODE AND THAT RECORDS BE MAINTAINED FOR STUDENTS ENROLLED IN THE CAREER ACADEMIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

D

**SENATE BILL 1022**

**Health Care Committee Substitute Adopted 5/6/09**

**House Committee Substitute Favorable 6/25/09**

**PROPOSED HOUSE COMMITTEE SUBSTITUTE S1022-PCS75384-SF-53**

Short Title: School Calendar Flexibility/Inclement Weather.

(Local)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DUE TO INCLEMENT WEATHER DURING THE 2009-2010 SCHOOL YEAR TO LOCAL SCHOOL ADMINISTRATIVE UNITS OR CHARTER SCHOOLS LOCATED IN ASHE, AVERY, AND WATAUGA COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-84.2(a)(1) reads as rewritten:

"(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

- (1) A minimum of either 180 days and-or 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

If, due to inclement weather, a local board of education complies with this subdivision by scheduling 1,000 hours of instruction on less than 180 days, the local school administrative unit is deemed to have a minimum of 180 days of instruction, teachers employed for a 10-month term are deemed to have been employed for 180 instructional days, and all other employees shall be compensated as if they had worked their regularly scheduled hours for 180 instructional days."

**SECTION 2.** G.S. 115C-238.29F(d)(1) reads as rewritten:

"(d) Instructional Program. –



\* S 1 0 2 2 - P C S 7 5 3 8 4 - S F - 5 3 \*

(1) The school shall provide instruction each year for ~~at least 180 days.~~ year covering at least nine calendar months."

**SECTION 3.** This act applies only to local school administrative units or charter schools located in Ashe, Avery, and Watauga Counties.

**SECTION 4.** This act is effective when it becomes law and applies only to the 2009-2010 school year.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**1**

**SENATE BILL 1022**

**Short Title:** Comparative Effectiveness Task Force. (Public)

**Sponsors:** Senators Stein; Garrou, Nesbitt, Purcell, Snow, and Stevens.

**Referred to:** Health Care.

March 26, 2009

**A BILL TO BE ENTITLED**

**AN ACT TO ESTABLISH THE COMPARATIVE EFFECTIVENESS TASK FORCE TO  
IMPROVE HEALTH CARE QUALITY AND CONTAIN HEALTH CARE COSTS.**

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** There is established the Joint Legislative Comparative Effectiveness Task Force (Task Force). The purpose of the Task Force is to ascertain how to improve people's health and contain health care costs by studying the comparative effectiveness of various medical treatments and prescription drugs.

**SECTION 1.(b)** The Task Force shall be comprised of eleven members, one appointed by each of the following:

- (1) One member of the Senate to serve as cochair of the Task Force appointed by the President Pro Tempore of the Senate.
- (2) One member of the House of Representatives to serve as cochair of the Task Force appointed by the Speaker of the House of Representatives.
- (3) The NC Institute of Medicine.
- (4) The North Carolina Hospital Association.
- (5) The North Carolina Medical Society.
- (6) The University of North Carolina at Chapel Hill.
- (7) Duke University.
- (8) North Carolina Association of Health Plans.
- (9) Division of Medical Assistance of the Department of Health and Human Services, appointed by the Secretary of the Department.
- (10) The Research Triangle Institute.

**SECTION 1.(c)** The Task Force shall study the following:

- (1) How to develop and even more robust research effort in our State, including the development of initiatives to draw down additional federal funds.
- (2) How to organize our State-level efforts in a way that maximizes our opportunities for additional joint efforts with Agency for Health Care Research and Quality.
- (3) How to organize providers and payors in our State so that dissemination of comparative effectiveness research findings is as rapid and far-reaching as possible.
- (4) How to develop mechanisms for the ongoing monitoring of these efforts.

**SECTION 1.(d)** Members of the Task Force shall not be compensated for their services but shall receive per diem and travel costs as authorized by law.

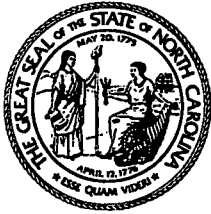


\* S 1 0 2 2 - V - 1 \*

1           **SECTION 1.(e)** On or before February 1, 2011, the Task Force shall report its  
2 findings and recommendations to the Governor and the 2011 General Assembly. Upon  
3 submitting its final report the Task Force shall terminate.

4           **SECTION 2.** The Legislative Services Office shall allocate funds appropriated to  
5 the General Assembly to support the activities of the Task Force.

6           **SECTION 3.** This act is effective when it becomes law.



## SENATE BILL 1022: School Calendar Flexibility/Inclement Weather

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Stein  
**Analysis of:** PCS to Third Edition  
S1022-CSSF-53 [v.2]

**Date:** May 25, 2010  
**Prepared by:** Shirley Iorio, Ph D  
Legislative Analyst

**SUMMARY:** *The Proposed Committee Substitute (PCS) for Senate Bill 1022 would create an exception to the required time for instruction for local school administrative units in Ashe, Avery, and Watauga Counties. The PCS would provide that a school calendar would include either 180 days or 1,000 hours of instruction.*

*The PCS would provide that local boards of education that comply with this exception by scheduling 1,000 hours on less than 180 days due to inclement weather are deemed to have a minimum of 180 days of instruction, and employees must be compensated accordingly.*

*The PCS would also provide that charter schools in Ashe, Avery, and Watauga Counties would not have to meet the 180 days of instruction per year requirement for charter schools.*

*The bill would apply only to Ashe, Avery, and Watauga Counties for the 2009-2010 school year, and would become effective when it becomes law.*

**CURRENT LAW:** G.S. 115C-84.2 (a)(1) requires that a school calendar must include a minimum of 180 days and 1000 hours of instruction covering at least nine calendar months. The school calendar must also include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

G.S. 115C-238.29F (d)(1) requires charter schools to provide instruction each year for at least 180 days.

**BILL ANALYSIS:** The PCS for Senate Bill 1022 would give flexibility to make up instructional days missed due to inclement weather during the 2009-2010 school year to Ashe, Avery, and Watauga Counties. The local school administrative units in those counties would be authorized to schedule either 180 days or 1,000 hours of instruction rather than 180 days and 1,000 hours of instruction. Local boards in the designated counties that schedule 1,000 hours of instruction on less than 180 days due to inclement weather are deemed to have 180 days of instruction and employees must be compensated accordingly. The charter schools in those counties would be exempt from their requirement to provide 180 days of instruction for the 2009-2010 school year.

**EFFECTIVE DATE:** The act would become effective when it becomes law and would apply only to Ashe, Avery, and Watauga Counties for the 2009-2010 school year.

**BACKGROUND:** Beginning in 1943, North Carolina statutes have required a 180 day public school year. Prior to 2004, local boards of education determined the opening and closing dates of the school year, with no dates specified in statute. S.L. 2004-180 amended the statute to establish August 25<sup>th</sup> as the earliest school start date and June 10<sup>th</sup> as the latest school closing date for students. The State Board may waive this requirement on a showing of good cause. "Good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations. Ashe, Avery, and Watauga Counties had "good cause" waivers for the 2009-2010 school year.

Please see the back of this page for additional information on the school calendar.

# Senate Bill 1022

Page 2

## **\*Public School Calendar**

G.S. 115C-84.2 is the statute which established the parameters of the school calendar. Local boards of education must adopt a school calendar which meets the following criteria:

- Must be 215 days, all of which fall within the fiscal year.
- Must include a minimum of 180 days and 1000 hours of instruction covering at least 9 calendar months.
- Must include a plan for making up days and instructional hours missed due to inclement weather.
- Must include a minimum of 10 annual vacation leave days.
- Must include the same or an equivalent number of legal holidays occurring within the school calendar year as those designated by the State Personnel Commission for state employees.
- Must include five days designated for use as protected teacher workdays.

All other days must be scheduled by the local board in consultation with each school's principal for use as teacher workdays, additional instructional days, or other lawful purpose.

The total number of teacher workdays for teachers employed for a 10 month term may not exceed 195 days.

The calendar must include at least 42 consecutive days when teacher attendance is not required unless the school is a year-round school or the teacher is employed for an excess of 10 months.

School may not be held on Sundays.

Veteran's Day must be a holiday for all public school personnel and students.

Except for year-round schools, the opening date of school for students may not be before August 25, and the closing date for students may not be after June 10. The statute provides for waivers by the State Board of Education from this requirement in certain circumstances related to emergency situations or educational purposes. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time.

## **Teacher Workdays in the School Calendar**

The statute includes the following specifics related to teacher workdays.

The calendar must include 5 protected workdays for teachers to complete instructional and administrative duties. The LEA may not impose additional tasks on teachers on those days. One of the 5 days must be scheduled at the beginning of the school year, and one must be scheduled at the end of each academic quarter.

Other teacher workdays may be scheduled in the local board's discretion.

*SI022-SMSF-105(CSSF-53) v2*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1022  
Health Care Committee Substitute Adopted 5/6/09  
House Committee Substitute Favorable 6/25/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1022-CSSF-53 [v.2]**

5/24/2010 5:28:26 PM

Short Title: School Calendar Flexibility/Inclement Weather.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO GIVE FLEXIBILITY TO MAKE UP INSTRUCTIONAL DAYS MISSED DUE TO INCLEMENT WEATHER DURING THE 2009-2010 SCHOOL YEAR TO LOCAL SCHOOL ADMINISTRATIVE UNITS OR CHARTER SCHOOLS LOCATED IN ASHE, AVERY, AND WATAUGA COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-84.2(a)(1) reads as rewritten:

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**SECTION 2.** G.S. 115C-238.29F(d)(1) reads as rewritten:

"(d) Instructional Program. –



\* S 1 0 2 2 - C S S F - 5 3 - V - 2 \*

(1) The school shall provide instruction each year ~~for at least 180 days.~~ year covering at least nine calendar months."

**SECTION 3.** This act applies only to local school administrative units or charter schools located in Ashe, Avery and Watauga Counties.

**SECTION 4.** This act is effective when it becomes law and applies only to the 2009-2010 school year.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ House Committee Substitute # 1 for

**SB 1022**

A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE  
COMPARATIVE EFFECTIVENESS TASK FORCE TO IMPROVE HEALTH CARE QUALITY  
AND CONTAIN HEALTH CARE COSTS.

☒ With a favorable report as to House committee substitute bill 2, which changes the title,  
unfavorable as to House committee substitute bill 1.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**HOUSE EDUCATION COMMITTEE**  
**Room 643 LOB**  
**Co-Chairs, Representatives Larry Bell and Marvin W. Lucas**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, June 1, 2010**

Representative Lucas declared a quorum, called the meeting to order and thanked everyone for coming. The House Pages and Sergeant-at-Arms were introduced, along with committee clerks and staff. Representative Diane Parfitt was officially welcomed to the House Education Committee. The attendance, page and sergeant-at-arms sheets are attached.

Representative McLawhorn was called on to explain HB 1669 – Require Use EVAAS in Schools. There were comments/questions by Representatives Avila, Tolson, Womble, McCormick, Glazier, Blackwood, Parmon, and Holloway. Representative Parmon moves for a favorable report to HB 1669. The committee concurs and the motion passes.

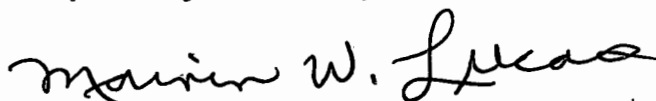
Representative Fisher was called on to explain HB 1676 – Substitute Teacher Unemployment. Representative Tillis moves for a favorable report with a serial referral to Judiciary II. The committee concurs and the motion passes.

Representative Tolson explains HB 1725 School Support Division Changes. He has an amendment by substituting “one million seven hundred thousand for two million” in the bill. There were questions and comments by Representatives Hilton, McCormick, Glazier, Brown, Blackwell, Avila, Mr. Ben Matthews (Director of School Support, DPI), and staff. Representative Carney moves to adopt amendment. The committee concurs and the amendment is adopted. The bill is temporarily displaced.

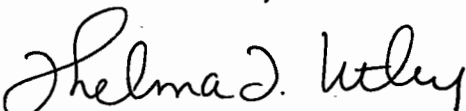
Representative Yongue is called on to explain HB 1777 Study Child Nutrition Program. Representative Womble moves for a favorable report and to be referred to the Health Committee. The committee concurs and the motion passes.

Meeting adjourned at 12:00 p.m.

Respectfully submitted,



Marvin W. Lucas, Chair



Thelma T. Utley, Committee Assistant

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 1, 2010

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1669	Require Use EVAAS in Schools.	Representative McLawhorn Representative Fisher Representative Lucas Representative Tolson
HB 1676	Substitute Teacher Unemployment.	Representative Fisher Representative Bell Representative Glazier Representative Jeffus Representative Tolson
HB 1725	School Support Division Changes.	Representative Bell Representative Lucas Representative Yongue
HB 1777	Study Child Nutrition Program.	Representative Yongue Representative Brown Representative Insko Representative Parfitt Representative Rapp Representative Glazier Representative Insko
HB 1781	Study/Early Childhood Education and Care.	Representative Yongue Representative Brown Representative Hughes Representative Insko
HB 1827	Legislative Task Force on Childhood Obesity.	Representative Cole Representative Crawford, Jr. Representative Love, Sr. Representative Bryant
HB 1864	No High School Graduation Proj. Required.	

SB 66

Require Arts Educ. Credit for  
Graduation.

Senator Dorsett

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
15 o'clock on **May 26, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

HOUSE PAGES

NAME OF COMMITTEE

Education

DATE

6-1-10

1. Name: Ashley Fields

County: Scotland

Sponsor: Doug Young

2. Name: Hannah Verrilli

County: Sampson

Sponsor: Larry Bell

3. Name: Darius Williams

County: Beaufort

Sponsor: William Wranwright

4. Name: Ryan Byrd

County: Martin

Sponsor: E. Warren

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

SGT-AT-ARM

1. Name: MARVIN Lee

2. Name: John Brandon

3. Name: TREY RALEY

4. Name: Judy Turner

MARtha PARRISH

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Louisa Warren	NC Justice ctr
BRIAN DEMPSEY	MARC
Jonah Dorman	intern to Rep. Luebke
Amy Hobbs	MUR
Amy McConkey	NC Bar Assoc
Sarah Quinn	Rep Borden's intern
Aufa Watkins	UNC GA
Emily Williams	The Policy Group
Daintry O'Brien	Kids Voting NC
Wendy Kelly	Policy Group

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Eric Moore	DET
Joel McFarland	DPI
Jennifer Preston	DPI
Janice Fain	DHHS/DCD
Joe Lanier	NELSON MULLINS
Beia Williams	NC Center for Nonprofits
Nannetta Christiani	NC Center for Nonprofits
Lorea Stallard	Rep. Ross' office
Eissa Brown	NC Dept. of Public Instruction
Rebecca Garland	NC Dept. of Public Instruction
Hinda Guster	NCAE

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Davis	Public Arch. Forum of NC
John Harris	WCPS
Robert W. Joyce	NCAST
Jim Stegall	UCPS
Chris Minard	SBE
Gov. Steve McNamee	ETOR
Chris McNamee	
Doug Miskew	PSG
Larry Bueley	LBA
James Cameron	
Chris Cady	DP1



## VISITOR REGISTRATION SHEET

## EDUCATION

June 1, 2010

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

**FIRM OR AGENCY AND ADDRESS**[illegible]

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Caroline Willauer	Intern, Rep. Arisla
Byron Woods	Durham Independent
Kam Wells	auth North Carolina
Melanie Spier	DCR
Harry Hufnagel	N.C.B.A.
Andrew Jones	Intern, Rep. Tarleton
Beth Fox	Intern, Fisher
JUSTIN HARRIS	Graduate Student, Pfeiffer Univ.
Sarah Preston	ACLU-NC
Mike Tarrant	UNCG
Emelia Timkham	UNCG

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Marge Freeman	NCAE
LOR: Ann HARRIS	LATHA
Michelle Frazier	MF+S
John Hardin	MF+S
John Bourdick	ADA
Flora Robinson	NOEMA
<del>BO HILL</del>	<del>MAURICE WOOD</del>
DAVID RICE	MAURICE FULTON
Don McCorquodale	SAS
Brandon McPherson	Intern
Tommy Devita	Rep. Glazier's office

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Emily Doyle	NCPAPA
Gene Gausby	NCCCA
Walt Hand	TPG
Ray Prunell, Jr.	NC Retired School Personnel
Dan Ferry	VnBla
John McAllen	RFOS
Keith Weatherly	Stam
Chad Barefoot	Stam
Catherine Uchat	Academic Abundance <sup>Goldsboro, NC</sup> 27534
Michelle Wiggins	Academic Abundance
Lashonda Oliver	Academic Abundance, Inc.

**AGENDA  
HOUSE EDUCATION COMMITTEE MEETING**

**Tuesday, June 1, 2010**

**11:00 am**

**643 LOB**

**Representative Marvin W. Lucas  
Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

<b>HB 1669</b>	<b>Require Use EVAAS in Schools.</b>	<b>Reps. McLawhorn, Fisher, Lucas, Tolson</b>
<b>HB 1676</b>	<b>Substitute Teacher Unemployment.</b>	<b>Reps. Fisher, Bell, Glazier, Jeffus</b>
<b>HB 1725</b>	<b>School Support Division Changes.</b>	<b>Reps. Tolson, Bell, Lucas, Yongue</b>
<b>HB 1777</b>	<b>Study Child Nutrition Program.</b>	<b>Reps. Yongue, Brown, Insko, Parfitt</b>
<b>HB 1781</b>	<b>Study/Early Childhood Education and Care.</b>	<b>Reps. Rapp, Glazier, Insko</b>
<b>HB 1827</b>	<b>Legislative Task Force on Childhood Obesity.</b>	<b>Reps. Yongue, Brown, Hughes, Insko</b>
<b>HB 1864</b>	<b>No High School Graduation Proj. Required.</b>	<b>Reps. Cole, Crawford, Jr., Love, Sr., Bryant</b>
<b>SB 66</b>	<b>Require Arts Educ. Credit for Graduation.</b>	<b>Sen. Dorsett</b>

**Adjournment**



## HOUSE BILL 1669: Require Use EVAAS in Schools

2009-2010 General Assembly

<b>Committee:</b>	House Education	<b>Date:</b>	May 26, 2010
<b>Introduced by:</b>	Reps. McLawhorn, Fisher, Lucas, Tolson	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 1669 requires school improvement teams to use the Education Value Added Assessment System (EVAAS) or a compatible system for analyzing student data to identify methods to improve student performance. The bill is a recommendation of the Joint Legislative Education Oversight Committee.*

[As introduced, this bill was identical to S1139, as introduced by Sen. Foriest, which is currently in Senate Education/Higher Education.]

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**CURRENT LAW:** According to the provisions of G.S. 115C-105.27, every school is required to develop a school improvement plan to improve student performance. The school improvement plan is developed by the school improvement team which consists of the principal, parents of enrolled students and representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants.

The school improvement plan shall be, to the greatest extent possible, data-driven. The plan shall also contain clear targets, explicit indicators and actual measures, and expeditious time frames for meeting the standards. The school improvement team is responsible for analyzing student data to identify problems and determine corrective actions.

The principal shall present the proposed plan to all principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants for their review and vote. The principal shall submit the plan to the local board of education only if the plan is supported by a majority of the staff who voted on the plan. The local board of education shall accept or reject the school improvement plan.

A school improvement plan shall remain in effect for no more than two years but the school improvement team may amend the plan as often as is needed.

**BACKGROUND:** The Joint Legislative Education Oversight Committee heard that the Education Value Added Assessment System (EVAAS) provides reports that predict student success over time, show the effects of teaching at particular schools, or reveal patterns in subgroup performance. The Committee heard how the EVAAS reports give important diagnostic information about student progress at the individual, subgroup, and school levels that can facilitate instructional modifications more quickly in order to meet the needs of students.

All LEA's and charter schools have access to EVAAS but there is no current requirement for its use.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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1

HOUSE BILL 1669\*

Short Title:   Require Use EVAAS in Schools. (Public)

Sponsors:   Representatives McLawhorn, Fisher, Lucas, Tolson (Primary Sponsors);  
                  Adams, M. Alexander, Gill, Glazier, Hughes, Tarleton, and Whilden.

Referred to:   Education.

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL IMPROVEMENT TEAMS TO USE EVAAS OR A  
COMPATIBLE SYSTEM TO COLLECT DIAGNOSTIC INFORMATION ON  
STUDENTS AND TO USE THAT INFORMATION TO IMPROVE STUDENT  
ACHIEVEMENT AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION  
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.27(a) reads as rewritten:

**"§ 115C-105.27. Development and approval of school improvement plans.**

(a) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

All school improvement plans shall be, to the greatest extent possible, data-driven. School improvement teams shall use the Education Value Added Assessment System (EVAAS) or a compatible system, to analyze student data to identify root causes for problems and to determine actions to address them. School improvement plans shall contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting the measurement standards."

**SECTION 2.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1669\*

Short Title:   Require Use EVAAS in Schools.

(Public)

Sponsors:   Representatives McLawhorn, Fisher, Lucas, Tolson (Primary Sponsors);  
                  Adams, M. Alexander, Gill, Glazier, Hughes, Tarleton, and Whilden.

Referred to:   Education.

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL IMPROVEMENT TEAMS TO USE EVAAS OR A  
COMPATIBLE SYSTEM TO COLLECT DIAGNOSTIC INFORMATION ON  
STUDENTS AND TO USE THAT INFORMATION TO IMPROVE STUDENT  
ACHIEVEMENT AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION  
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.27(a) reads as rewritten:

**"§ 115C-105.27. Development and approval of school improvement plans.**

(a) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

All school improvement plans shall be, to the greatest extent possible, data-driven. School improvement teams shall use the Education Value Added Assessment System (EVAAS) or a compatible system, to analyze student data to identify root causes for problems and to determine actions to address them. School improvement plans shall contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting the measurement standards."

**SECTION 2.** This act is effective when it becomes law.





**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1669**

A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL IMPROVEMENT TEAMS TO USE EVAAS OR A COMPATIBLE SYSTEM TO COLLECT DIAGNOSTIC INFORMATION ON STUDENTS AND TO USE THAT INFORMATION TO IMPROVE STUDENT ACHIEVEMENT AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.



# HOUSE BILL 1676: Substitute Teacher Unemployment

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Judiciary II	<b>Date:</b>	June 1, 2010
<b>Introduced by:</b>	Reps. Fisher, Bell, Glazier, Jeffus	<b>Prepared by:</b>	Kara McCraw*
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *HB 1676 would repeal statutory sections related to substitute teacher unemployment enacted in 2009 which the U.S. Department of Labor has indicated are not in conformity with federal unemployment law. HB 1676 would enact a new provision specifying when a substitute teacher would be considered unemployed.*

[As introduced, this bill was identical to S1143, as introduced by Sen. Foriest, which is currently in Senate Education/Higher Education.]

**CURRENT LAW:** Article 2 of Chapter 96 (Employment Security Law) governs unemployment insurance. The unemployment insurance program in North Carolina is part of a national system designed to provide temporary economic benefits to eligible workers. Eligible workers are individuals who (1) lost their jobs through no fault of their own, (2) worked during a specified time period and received a minimum amount of wages during that time period, (3) are able and available for work, and (4) are actively seeking new employment. All benefits and administrative costs of the unemployment insurance program are paid by employers through the State Unemployment Tax Act (SUTA) and the Federal Unemployment Tax Act (FUTA) payments. No money is withheld from workers' checks to pay for unemployment benefits.

In 2009, S.L. 2009-506 was enacted to add two sub-subdivisions to the list of services not included in the definition of employment for unemployment compensation purposes found in G.S. 96-8(6)k. Sub-subdivision 21. provided that services performed by a substitute teacher or other substitute employee for a public, charter, or private school would not constitute employment unless the individual was employed as a full-time substitute, defined as an individual employed at least 30 hours per week over at least six consecutive months of a school year. Sub-subdivision 22. provided that performance of extra duties for a public, charter, or private school, such as coaching athletics, acting as a choral director, or other extra duties would not constitute employment.

**BILL ANALYSIS:** HB 1676 would repeal G.S. 96-8(b)k.21.-22., and would enact a new sub-subdivision to G.S. 96-8(10) defining partial and total unemployment. This sub-subdivision would require that no substitute teacher or other substitute personnel shall be considered unemployed for the days or weeks when not called to work, unless the individual is or was employed as a full-time substitute during the period of time for which the individual is requesting benefits. Full-time substitute would be defined as a substitute employee who works more than 30 hours a week on a continual basis for a period of six months or more.

**EFFECTIVE DATE:** HB 1676 would become effective when it becomes law.

**BACKGROUND:** HB 1676 is a recommendation of the Joint Legislative Education Oversight Committee.

The U.S. Department of Labor, in a letter to the Employment Security Commission of North Carolina, indicated that the exceptions to the definition of employment enacted in S.L. 2009-506 failed to conform with federal law, which requires under the Federal Unemployment Tax Act (FUTA) that as a condition of certification of a state's unemployment compensation law, unemployment compensation must be payable based on certain services not subject to the FUTA tax. Unemployment compensation must be payable on services excepted from the federal definition of employment solely by reason of being performed for state government entities or nonprofit organizations. States may only exclude services from this required coverage if they are exempt under other provisions of federal law, and no provision of federal law exempts services performed by substitute teachers, or services classified as "extra duties" from the required coverage provisions.

In an initial review of the draft language for HB 1676, Robert Johnson, Supervisor of the State Conformity and Compliance Team, U.S. Department of Labor, indicated that the new language "does not create any issue as drafted."

*\*This summary was significantly contributed to by Dr. Shirley Iorio, Legislative Analyst.*

H1676-SMTC-137(e1) v4

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1676\***

**Short Title:** Substitute Teacher Unemployment. (Public)

**Sponsors:** Representatives Fisher, Bell, Glazier, Jeffus (Primary Sponsors); Adams, Brown, Cotham, England, Farmer-Butterfield, Gill, Harrison, Jackson, Luebke, McLawhorn, Rapp, Tarleton, Whilden, and Yongue.

**Referred to:** Education, if favorable, Judiciary II.

May 13, 2010

**A BILL TO BE ENTITLED**

**AN ACT TO RESTORE A BALANCE TO THE LAW ON UNEMPLOYMENT  
COMPENSATION FOR SUBSTITUTE TEACHERS AS RECOMMENDED BY THE  
JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 96-8(10) is amended by adding a new sub-subdivision to read:

**"f.** No substitute teacher or other substitute school personnel shall be considered unemployed for days or weeks when not called to work unless the individual is or was employed as a full-time substitute during the period of time for which the individual is requesting benefits. For the purposes of this subsection, full-time substitute is defined as a substitute employee who works more than 30 hours a week on a continual basis for a period of six months or more."

**SECTION 2.** G.S. 96-8(6)k.21. is repealed.

**SECTION 3.** G.S. 96-8(6)k.22. is repealed.

**SECTION 4.** This act is effective when it becomes law.



\* H 1 6 7 6 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1676\***

**Short Title:** Substitute Teacher Unemployment. (Public)

**Sponsors:** Representatives Fisher, Bell, Glazier, Jeffus (Primary Sponsors); Adams, Brown, Cotham, England, Farmer-Butterfield, Gill, Harrison, Jackson, Luebke, McLawhorn, Rapp, Tarleton, Whilden, and Yongue.

**Referred to:** Education, if favorable, Judiciary II.

May 13, 2010

A BILL TO BE ENTITLED  
AN ACT TO RESTORE A BALANCE TO THE LAW ON UNEMPLOYMENT  
COMPENSATION FOR SUBSTITUTE TEACHERS AS RECOMMENDED BY THE  
JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 96-8(10) is amended by adding a new sub-subdivision to read:

"f. No substitute teacher or other substitute school personnel shall be considered unemployed for days or weeks when not called to work unless the individual is or was employed as a full-time substitute during the period of time for which the individual is requesting benefits. For the purposes of this subsection, full-time substitute is defined as a substitute employee who works more than 30 hours a week on a continual basis for a period of six months or more."

**SECTION 2.** G.S. 96-8(6)k.21. is repealed.

**SECTION 3.** G.S. 96-8(6)k.22. is repealed.

**SECTION 4.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1676**                      A BILL TO BE ENTITLED AN ACT TO RESTORE A BALANCE TO  
THE LAW ON UNEMPLOYMENT COMPENSATION FOR SUBSTITUTE TEACHERS AS  
RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
JUDICIARY II.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.



## HOUSE BILL 1777: Study Child Nutrition Program

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Health	<b>Date:</b>	May 26, 2010
<b>Introduced by:</b>	Reps. Yongue, Brown, Insko, Parfitt	<b>Prepared by:</b>	Sara Kamprath*
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 1777 would direct the Joint Legislative Program Evaluation Oversight Committee to study the operation of the Child Nutrition Program, particularly the assessment of indirect costs to local child nutrition programs. The bill is a recommendation of the Legislative Task Force on Childhood Obesity. This act is effective when it becomes law.*

[As introduced, this bill was identical to S1152, as introduced by Sen. Purcell, which is currently in Unknown.]

**BILL ANALYSIS:** Section 1.(a) – would direct the Joint Legislative Program Evaluation Oversight Committee to include a study of the operations of the Child Nutrition Program in the 2010 work plan for the Program Evaluation Division, with specific direction to examine the following:

1. Guidelines for assessing indirect costs to local child nutrition programs in local school administrative units.
2. Financial impact that a policy of prohibiting the assessment of indirect costs until local child nutrition programs have amassed a three-month operating balance would have on local child nutrition programs and local school administrative units.

**Section 1.(b)** – would direct the Program Evaluation Division to submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee, to the Legislative Task Force on Obesity (if reestablished for the 2011-2012 Session), and to the Fiscal Research Division.

**CURRENT LAW:** G.S. 115C-263 requires that "local boards of education shall provide to the extent practicable school food services in the schools under their jurisdiction." G.S. 115C-264(c) further provides that all school food services are to be a nonprofit operation and any earnings above the cost of operation can be used only to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children.

**BACKGROUND:** The bill is a recommendation of the Task Force on Childhood Obesity. The Task Force heard from representatives of the School Nutrition Association of North Carolina that indirect costs of up to five percent (5%) of revenue generated by local child nutrition programs may be paid to school districts and that these costs may be assessed regardless of the operation balance held by local child nutrition programs. As explained by Philip Price, Associate State Superintendent for Financial and Business Services with the NC Department of Public Instruction (DPI), indirect costs are expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs.

The Task Force also heard that the School Nutrition Association of NC has requested that a statewide policy be adopted requiring that indirect costs cannot be assessed by an LEA from a child nutrition program until that program has achieved and sustained a three months operation balance.

*Ben Popkin, Committee Counsel to the Senate Health Care Committee, contributed to this summary.*

H1777-SMRJ-106(e1) v4

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

H

1

HOUSE BILL 1777\*

Short Title: Study Child Nutrition Program. (Public)

Sponsors: Representatives Yongue, Brown, Insko, Parfitt (Primary Sponsors); M. Alexander, Bell, Carney, Coates, Dockham, England, Gill, Glazier, Hall, Harrison, Hughes, Jeffus, Johnson, Lucas, McLawhorn, Pierce, Stam, Sutton, Tarleton, Tolson, Wainwright, Weiss, and Whilden.

Referred to: Education, if favorable, Health.

May 19, 2010

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY INDIRECT COSTS UNDER CHILD NUTRITION PROGRAMS, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Joint Legislative Program Evaluation Oversight Committee shall include in the 2010 Work Plan for the Program Evaluation Division of the General Assembly a study of the operation of the Child Nutrition Program. The Division shall examine (i) the guidelines for assessing indirect costs to local child nutrition programs in local school administrative units and (ii) the financial impact upon local child nutrition programs and local school administrative units of a policy prohibiting the assessment of indirect costs to a child nutrition program until that program has achieved and sustained a three-month operating balance.

**SECTION 1.(b)** The Program Evaluation Division shall submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee, to the Legislative Task Force on Childhood Obesity, if reestablished for the 2011-2012 Session, and to the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

**SECTION 2.** This act is effective when it becomes law.



\* H 1 7 7 7 - V - 1 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1777\***

**Short Title:** Study Child Nutrition Program. (Public)

**Sponsors:** Representatives Yongue, Brown, Insko, Parfitt (Primary Sponsors); M. Alexander, Bell, Carney, Coates, Dockham, England, Gill, Glazier, Hall, Harrison, Hughes, Jeffus, Johnson, Lucas, McLawhorn, Pierce, Stam, Sutton, Tarleton, Tolson, Wainwright, Weiss, and Whilden.

**Referred to:** Education, if favorable, Health.

May 19, 2010

**A BILL TO BE ENTITLED**

**AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION  
OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION  
TO STUDY INDIRECT COSTS UNDER CHILD NUTRITION PROGRAMS, AS  
RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD  
OBESITY.**

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Joint Legislative Program Evaluation Oversight Committee shall include in the 2010 Work Plan for the Program Evaluation Division of the General Assembly a study of the operation of the Child Nutrition Program. The Division shall examine (i) the guidelines for assessing indirect costs to local child nutrition programs in local school administrative units and (ii) the financial impact upon local child nutrition programs and local school administrative units of a policy prohibiting the assessment of indirect costs to a child nutrition program until that program has achieved and sustained a three-month operating balance.

**SECTION 1.(b)** The Program Evaluation Division shall submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee, to the Legislative Task Force on Childhood Obesity, if reestablished for the 2011-2012 Session, and to the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

**SECTION 2.** This act is effective when it becomes law.



\* H 1 7 7 7 - V - 1 \*



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1777**                    A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY INDIRECT COSTS UNDER CHILD NUTRITION PROGRAMS, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on HEALTH.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**HOUSE EDUCATION COMMITTEE**

**Room 643 LOB**

**Co-Chairs, Representatives Larry Bell and Marvin W. Lucas**

**Representative Marvin W. Lucas, Presiding**

**2:35 P.M.**

**Tuesday, June 1, 2010**

**Representative Lucas declared a quorum, called the meeting to order and thanked everyone for coming. The House Pages and Sergeant-at-Arms were introduced, along with committee clerks and staff.**

**Representative Carney was called on to explain SB 66 – Require Arts Educ. Credit for Graduation. There is a PCS and Representative Bell moves the PCS is properly before the committee. There were questions and comments Representatives Tarleton, E. Floyd, Ross, Fisher, Hilton, Blackwood, Blackwell, Johnson and Ms. Karen Wells, Arts of NC. Representative Floyd moves for a favorable report to the PCS, unfavorable to the original and the PCS to be referred to Appropriations. The committee concurs and the motion passes.**

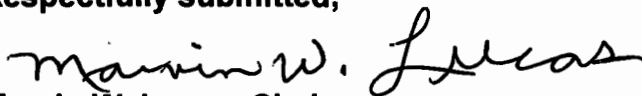
**Representative Cole was called on to explain HB 1864 – No High School Graduate Proj. Required. There comments and questions by Representatives Tarleton and Fisher. Representative Tarleton moves for a favorable report. The committee concurs and the motion passes.**

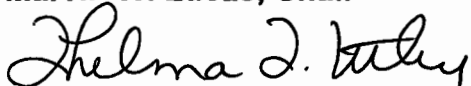
**Representative Insko was called on to explain HB 1827 – Legislative Task Force on Childhood Obesity. Representative Bell moves that the PCS is properly before the committee. Representative Womble moves for a favorable report to the PCS, unfavorable to the original, with a serial referral to Rules, Calendar and Operations of the House. The committee concurs and the motion passes.**

**Representative Tolson was called on to continue with HB 1725 – School Support Division Changes. Representative Tolson's amendment was adopted this morning. There were many comments and questions in the meeting this morning by committee members and Dr. Ben Matthews, DPI. Representative Bryant moves for a favorable report to the PCS, unfavorable to the original, and the PCS be referred to Committee on Appropriations. The committee concurs and the motion passes.**

**Meeting adjourned at 3:59 p.m.**

**Respectfully submitted,**

  
**Marvin W. Lucas, Chair**

  
**Thelma T. Utley, Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 1, 2010

**TIME:** Immediately after session

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1725	School Support Division Changes.	Representative Tolson Representative Bell Representative Lucas Representative Yongue
HB 1827	Legislative Task Force on Childhood Obesity.	Representative Yongue Representative Brown Representative Hughes Representative Insko
HB 1864	No High School Graduation Proj. Required.	Representative Cole Representative Crawford, Jr. Representative Love, Sr. Representative Bryant
SB 66	Require Arts Educ. Credit for Graduation.	Senator Dorsett

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 13 o'clock on **June 01, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma T. Utley** (Committee Assistant)

HOUSE PAGES

NAME OF COMMITTEE Education DATE 6/1/10

1. Name: Darius Williams

County: Beaufort

Sponsor: William Wranght

2. Name: Ashley Fields

County: Scotland

Sponsor: Doug Young

3. Name: Hannah Verrilli

County: Sampson

Sponsor: Larry Bell

4. Name: Ryan Byrd

County: Martin

Sponsor: E. Warren

5. Name: \_\_\_\_\_

County: \_\_\_\_\_

Sponsor: \_\_\_\_\_

SGT-AT-ARM

1. Name: Reginald Sills Judy Turner

2. Name: MARVIN Lee

3. Name: CARLTON Adam

4. Name: TRAY Raley

# VISITOR REGISTRATION SHEET

EDUCATION

June 1, 2010 (Afternoon)

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

B. Woods	Durham Independent
Kam Wells	Arts North Carolina
Melanie Sides	NC DCR
Lusan McCrack	Appalachia
Lorena Stallard	Rep. 'Ross' Office
Brett Fox	Rep. Fisher
Lois Ann Haines	UATTA
Andrew Meehan	Cap Strat
Emily Wilbourn	Policy Group
Marge Foreman	NCAE

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<i>Steffan</i>	<i>WCPS</i>
<i>Katherine Jeger</i>	<i>NCA SA</i>
<i>Chris Minard</i>	<i>NC State Bd of Ed</i>
<i>Gene Cauby</i>	<i>NCSCA</i>
<i>Lane Wmies</i>	<i>WCSBA</i>
<i>Ben Mattheis</i>	<i>NCDPI</i>
<i>Carolne Willener</i>	<i>Intern, Rep. Arila</i>
<i>Elissa Brown</i>	<i>NC Dept. of Public Instruction</i>
<i>Helga Fasciano</i>	<i>NC DPI</i>
<i>Christie Lynch Ebert</i>	<i>NC DPI</i>
<i>Jul Magued</i>	<i>CMS</i>

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Larry Bewley	LBA
Andrew Cagle	DLC
Bob Hewitt	MWC
Jim Stegall	U.C.P.S.
Mary Johnson	NCAE
Brandon McPherson	Intern

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**

**Tuesday, June 1, 2010**

**11:00 am**

**643 LOB**

**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

<b>HB</b>	<b>Require Use EVAAS in</b>	<b>Reps. McLawhorn,</b>
<b>1669</b>	<b>Schools.</b>	<b>Fisher, Lucas, Tolson</b>
<b>HB</b>	<b>Substitute Teacher</b>	<b>Reps. Fisher, Bell,</b>
<b>1676</b>	<b>Unemployment.</b>	<b>Glazier, Jeffus</b>
<b>HB</b>	<b>School Support Division</b>	<b>Reps. Tolson, Bell,</b>
<b>1725</b>	<b>Changes.</b>	<b>Lucas, Yongue</b>
<b>HB</b>	<b>Study Child Nutrition</b>	<b>Reps. Yongue, Brown,</b>
<b>1777</b>	<b>Program.</b>	<b>Insko, Parfitt</b>
<b>HB</b>	<b>Study/Early Childhood</b>	<b>Reps. Rapp, Glazier,</b>
<b>1781</b>	<b>Education and Care.</b>	<b>Insko</b>
<b>HB</b>	<b>Legislative Task Force on</b>	<b>Reps. Yongue, Brown,</b>
<b>1827</b>	<b>Childhood Obesity.</b>	<b>Hughes,</b>
		<b>Insko</b>
<b>HB</b>	<b>No High School Graduation</b>	<b>Reps. Cole, Crawford,</b>
<b>1864</b>	<b>Proj. Required.</b>	<b>Jr., Love, Sr., Bryant</b>
<b>SB 66</b>	<b>Require Arts Educ. Credit</b>	<b>Sen. Dorsett</b>
	<b>for Graduation.</b>	

**Adjournment**



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1725\*  
PROPOSED COMMITTEE SUBSTITUTE H1725-PCS50927-RQ-52

Short Title: School Support Division Changes.

(Public)

Sponsors:

Referred to:

May 17, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ALLOCATE UP TO  
3 ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS TO SUPPORT  
4 POSITIONS IN THE SCHOOL SUPPORT DIVISION AT THE DEPARTMENT OF  
5 PUBLIC INSTRUCTION AND TO USE THE FUNDS ALSO TO HELP LOCAL  
6 SCHOOL ADMINISTRATIVE UNITS WITH GREEN BUILDING DESIGN  
7 OVERSIGHT AND ARCHITECTURAL SUPPORT FOR FUNCTIONAL AND  
8 SANITARY ENVIRONMENTAL PRACTICES.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 115C-546.2(a) reads as rewritten:

11 "(a) Of the monies credited to the Fund by the Secretary of Revenue pursuant to  
12 G.S. 115C-546.1(b), the State Board of Education ~~may~~ shall allocate up to one million seven  
13 hundred thousand dollars ~~(\$1,000,000) (\$1,700,000)~~ each year to the Department of Public  
14 ~~Instruction.~~ Instruction to support positions in the School Support Division. These funds also  
15 shall be used by the Plant Operation Section and School Planning Section of the School  
16 Support Division to assist each local school administrative unit with effective energy and  
17 environmental management, effective water management, green building design oversight,  
18 hazardous material management, clean air quality, and engineering and architectural support  
19 for safe, functional, sanitary, and effective environmental practices. The remainder of the  
20 monies in the Fund shall be allocated to the counties on a per average daily membership basis  
21 according to the average daily membership for the budget year as determined and certified by  
22 the State Board of Education. Interest earned on funds allocated to each county shall be  
23 allocated to that county.

24 The Department of Public Instruction shall report to the Joint Legislative Education  
25 Oversight Committee by April 15 of each year on the effectiveness of the program in  
26 accomplishing its purpose and on any other information requested by the Committee."

27 SECTION 2. This act becomes effective July 1, 2010.



\* H 1 7 2 5 - P C S 5 0 9 2 7 - R Q - 5 2 \*

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1725\***

Short Title: School Support Division Changes.

(Public)

Sponsors: Representatives Tolson, Bell, Lucas, Yongue (Primary Sponsors); Adams, Harrison, Hughes, Love, Pierce, and Wainwright.

Referred to: Education, if favorable, Appropriations.

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ALLOCATE UP TO TWO MILLION DOLLARS TO SUPPORT POSITIONS IN THE SCHOOL SUPPORT DIVISION AT THE DEPARTMENT OF PUBLIC INSTRUCTION AND TO USE THE FUNDS ALSO TO HELP LOCAL SCHOOL ADMINISTRATIVE UNITS WITH GREEN BUILDING DESIGN OVERSIGHT AND ARCHITECTURAL SUPPORT FOR FUNCTIONAL AND SANITARY ENVIRONMENTAL PRACTICES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-546.2(a) reads as rewritten:

"(a) Of the monies credited to the Fund by the Secretary of Revenue pursuant to G.S. 115C-546.1(b), the State Board of Education ~~may~~ shall allocate up to ~~one~~ two million dollars ~~(\$1,000,000)~~ (\$2,000,000) each year to the Department of Public ~~Instruction~~ Instruction to support positions in the School Support Division. These funds also shall be used by the Plant Operation Section and School Planning Section of the School Support Division to assist each local school administrative unit with effective energy and environmental management, effective water management, green building design oversight, hazardous material management, clean air quality, and engineering and architectural support for safe, functional, sanitary, and effective environmental practices. The remainder of the monies in the Fund shall be allocated to the counties on a per average daily membership basis according to the average daily membership for the budget year as determined and certified by the State Board of Education. Interest earned on funds allocated to each county shall be allocated to that county.

The Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by April 15 of each year on the effectiveness of the program in accomplishing its purpose and on any other information requested by the Committee."

**SECTION 2.** This act becomes effective July 1, 2010.





## HOUSE BILL 1725: School Support Division Changes

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 1, 2010
<b>Introduced by:</b>	Reps. Tolson, Bell, Lucas, Yongue	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY:** *House Bill 1725 would require the State Board of Education to allocate up to 2 million dollars to support positions in the School Support Division at the Department of Public Instruction and to use the funds also to help local school administrative units with green building design oversight and architectural support for functional and sanitary environmental practices.*

*The bill is a recommendation of the Joint Legislative Education Oversight Committee.*

[As introduced, this bill was identical to S1142, as introduced by Sen. Foriest, which is currently in Senate Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget.]

**CURRENT LAW:** The Public School Building Capital Fund is funded by the monies received from the State corporate income tax and the Education Lottery Fund. The purpose of the Fund is to provide money to county governments to help meet their public school building capital needs and local school technology plan equipment needs. G.S. 115C-546.2(a) provides that, of the monies credited to the Fund by the Secretary of Revenue from the State corporate income tax, the State Board of Education may allocate up to one million dollars to the Department of Public Instruction to be used by the Plant Operation Section of the School Support Division to help local school administrative units with tasks such as effective energy, environmental, water, and hazardous material management, clean air quality, and engineering support for effective environmental practices. Section 3K of S.L. 2009-575, An Act to Make Technical, Clarifying, and Other Modifications to the Appropriations Act of 2009, provided that the State Board of Education "may use, out of funds available, up to one million five hundred thousand dollars (\$1,500,000) that had been previously set aside from G.S. 115C-546.2 to support positions in the Department of Public Instruction's Support Services Division".

**BILL ANALYSIS:** House Bill 1725 would require the State Board of Education to allocate up to 2 million dollars each year to the Department of Public Instruction to support positions in the School Support Division. The funds would also be used by the School Planning Section of the School Support Division to provide assistance to each local school administrative unit in the following new areas: (i) green building design and (ii) architectural support. These new services (along with the existing statutorily required services) would help provide for safe, functional, sanitary, and effective environmental practices.

**EFFECTIVE DATE:** The bill would become effective July 1, 2010.

**BACKGROUND:** House Bill 1725 is a recommendation of the Joint Legislative Education Oversight Committee which found that the "School Support Division would be able to provide greater and enhanced technical assistance to local school administrative units regarding environmental and building issues if the State Board of Education were required to allocate an increased amount of monies from the Fund to the School Support Division".

H1725-SMRQ-139(e1) v3

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1725\*

Short Title: School Support Division Changes.

(Public)

Sponsors: Representatives Tolson, Bell, Lucas, Yongue (Primary Sponsors); Adams, Harrison, Hughes, Love, Pierce, and Wainwright.

Referred to: Education, if favorable, Appropriations.

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ALLOCATE UP TO TWO MILLION DOLLARS TO SUPPORT POSITIONS IN THE SCHOOL SUPPORT DIVISION AT THE DEPARTMENT OF PUBLIC INSTRUCTION AND TO USE THE FUNDS ALSO TO HELP LOCAL SCHOOL ADMINISTRATIVE UNITS WITH GREEN BUILDING DESIGN OVERSIGHT AND ARCHITECTURAL SUPPORT FOR FUNCTIONAL AND SANITARY ENVIRONMENTAL PRACTICES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-546.2(a) reads as rewritten:

"(a) Of the monies credited to the Fund by the Secretary of Revenue pursuant to G.S. 115C-546.1(b), the State Board of Education ~~may~~ shall allocate up to ~~one~~ two million dollars ~~(\$1,000,000) (\$2,000,000)~~ each year to the Department of Public ~~Instruction~~ Instruction to support positions in the School Support Division. These funds also shall be used by the Plant Operation Section and School Planning Section of the School Support Division to assist each local school administrative unit with effective energy and environmental management, effective water management, green building design oversight, hazardous material management, clean air quality, and engineering and architectural support for safe, functional, sanitary, and effective environmental practices. The remainder of the monies in the Fund shall be allocated to the counties on a per average daily membership basis according to the average daily membership for the budget year as determined and certified by the State Board of Education. Interest earned on funds allocated to each county shall be allocated to that county.

The Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee by April 15 of each year on the effectiveness of the program in accomplishing its purpose and on any other information requested by the Committee."

SECTION 2. This act becomes effective July 1, 2010.





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1725\*

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H1725-ARQ-30 [v.1]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [YES]  
First Edition

Date \_\_\_\_\_, 2010

Representative Tolson

- 1 moves to amend the bill on page 1, line 3 by deleting  
2 "TWO MILLION" and  
3 substituting "ONE MILLION SEVEN HUNDRED THOUSAND"; and  
4  
5 on page 1 by rewriting lines 7-9 to read:  
6 "FUNCTIONAL AND SANITARY ENVIRONMENTAL PRACTICES."; and  
7  
8 on page 1, lines 13-14 by rewriting the lines to read:  
9 "G.S. 115C-546.1(b), the State Board of Education ~~may~~ shall allocate up to one million seven  
10 hundred thousand dollars ~~(\$1,000,000)~~ (\$1,700,000) each year to the Department of Public  
11 ~~Instruction~~ Instruction".  
12  
13

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



\* H 1 7 2 5 - A R Q - 3 0 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1725** A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ALLOCATE UP TO TWO MILLION DOLLARS TO SUPPORT POSITIONS IN THE SCHOOL SUPPORT DIVISION AT THE DEPARTMENT OF PUBLIC INSTRUCTION AND TO USE THE FUNDS ALSO TO HELP LOCAL SCHOOL ADMINISTRATIVE UNITS WITH GREEN BUILDING DESIGN OVERSIGHT AND ARCHITECTURAL SUPPORT FOR FUNCTIONAL AND SANITARY ENVIRONMENTAL PRACTICES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on *Approp.*

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1827\*  
PROPOSED COMMITTEE SUBSTITUTE H1827-PCS80622-TC-67

Short Title: Legislative Task Force on Childhood Obesity.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED  
AN ACT TO REESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD  
OBESITY, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON  
CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part XLIX of S.L. 2009-574 reads as rewritten:

**"PART XLIX. LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY (Yongue)**

**"SECTION 49.1.** There is created the Legislative Task Force on Childhood Obesity.

**"SECTION 49.2.** The Task Force shall consist of 12 members as follows:

- (1) Six members of the House of Representatives.
- (2) Six members of the Senate.

**"SECTION 49.3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Terms of the initial members begin on appointment and continue until the convening of the 2011 Session of the General Assembly. Subsequent appointments begin during the 2011 Session of the General Assembly and continue until the Task Force terminates. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

**"SECTION 49.4.** The Task Force shall include, but should not be limited to, study of issues relating to childhood obesity. In the course of the study, the Task Force shall consider and recommend to the General Assembly strategies for addressing the problem of childhood obesity and encouraging healthy eating and increased physical activity among children through:

- (1) Early childhood intervention;
- (2) Childcare facilities;
- (3) Before and after-school programs;
- (4) Physical education and physical activity in schools;
- (5) Higher nutrition standards in schools;
- (6) Comprehensive nutrition education in schools;
- (7) Increased access to recreational activities for children;
- (8) Community initiatives and public awareness; and
- (9) Other means.

**"SECTION 49.5.** The Task Force shall encourage input from public nonprofit organizations, promoting healthy lifestyles for children, addressing the problems related to childhood obesity, encouraging healthy eating, and increasing physical activity among children.



\* H 1 8 2 7 - P C S 8 0 6 2 2 - T C - 6 7 \*

1       **"SECTION 49.6.** Members of the Task Force shall receive per diem, subsistence, and  
2 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task  
3 Force, while in the discharge of its official duties, may exercise all powers provided for under  
4 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime  
5 upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the  
6 Legislative Office Building.

7       With approval of the Legislative Services Commission, the Legislative Services Officer  
8 shall assign professional staff to assist the Task Force in its work. The House of  
9 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
10 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
11 Force. The Task Force may contract for professional, clerical, or consultant services as  
12 provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a  
13 State employee or a person currently under contract with the State to provide services.

14       All State departments and agencies and local governments and their subdivisions shall  
15 furnish the Task Force with any information in their possession or available to them.

16       **"SECTION 49.7.** The Task Force shall submit a ~~final~~ report of the results of its study and  
17 its recommendations to the 2010 Regular Session of the 2009 General Assembly. The Task  
18 Force may make a report of the results of its study and recommendations to the 2011 General  
19 Assembly and shall submit a report to the 2012 Regular Session of the 2011 General Assembly.  
20 The Task Force shall terminate on May 1, 2010, or upon the filing of its final report, whichever  
21 occurs first upon the convening of the 2012 Regular Session of the 2011 General Assembly."

22       **SECTION 2.** This act becomes effective April 30, 2010.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1827\***

**Short Title:** Legislative Task Force on Childhood Obesity. (Public)

**Sponsors:** Representatives Yongue, Brown, Hughes, Insko (Primary Sponsors);  
M. Alexander, Bell, Carney, Dockham, England, Faison, Fisher, Gill, Glazier,  
Harrison, Holliman, Jeffus, Johnson, Lucas, Luebke, Parfitt, Pierce, Sutton,  
Tarleton, Tolson, Wainwright, and Whilden.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

May 19, 2010

A BILL TO BE ENTITLED  
AN ACT TO REESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD  
OBESITY, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON  
CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Legislative Task Force on Childhood Obesity, as created in Part  
XLIX of S.L. 2009-574, is reestablished for the 2011-2012 Session of the General Assembly.

**SECTION 2.** The Task Force may make an interim report of the results of its study  
and recommendations to the 2011 General Assembly and shall submit a final report of the  
results of its study and recommendations to the 2011 General Assembly, Regular Session 2012.  
The Task Force shall terminate on May 1, 2012, or upon the filing of its final report, whichever  
occurs first.

**SECTION 3.** This act is effective when it becomes law.



\* H 1 8 2 7 - V - 1 \*



## HOUSE BILL 1827: Legislative Task Force on Childhood Obesity

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	June 1, 2010
<b>Introduced by:</b>	Reps. Yongue, Brown, Hughes, Insko	<b>Prepared by:</b>	Kara McCraw*
<b>Analysis of:</b>	PCS to First Edition H1827-CSTC-67		Committee Counsel

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**SUMMARY:** *The Proposed Committee Substitute for House Bill 1827 would extend the Legislative Task Force on Childhood Obesity until the convening of the 2012 Regular Session of the 2011 General Assembly, as recommended by the Legislative Task Force on Childhood Obesity.*

*The PCS revises HB 1827 to authorize the Task Force to meet during the 2010 interim prior to the convening of the 2011 General Assembly.*

[As introduced, this bill was identical to S1153, as introduced by Sen. Purcell, which is currently on the Senate floor.]

**BILL ANALYSIS:** The PCS for Senate Bill 1153 would amend Part XLIX of S.L. 2009-574, which created the Legislative Task Force on Childhood Obesity. The PCS would provide that the Legislative Task Force on Childhood Obesity:

- May continue to meet as appointed through the 2010 interim and further extends the Task Force until the convening of the 2012 Session, but requires new appointments in 2011.
- May submit a report of the results of its study and recommendations to the 2011 General Assembly.
- Must submit a report to the 2012 Regular Session of the 2011 General Assembly.
- Shall terminate upon the convening of the 2012 Regular Session of the 2011 General Assembly.

**EFFECTIVE DATE:** This act is effective April 30, 2010.

### BACKGROUND:

This bill is a recommendation from the Legislative Task Force on Childhood Obesity. The Task Force met six times from January 26, 2010 until April 19, 2010 and submitted a report to the 2010 Regular Session of the 2009 General Assembly.

S.L. 2009-574, Part XLIX (HB 945, Part XLIX) created the 12-member Legislative Task Force on Childhood Obesity consisting of six members of the House of Representatives and six members of the Senate. The cochair for the Task Force must be designated by the Speaker of the House and the President Pro Tempore of the Senate from among the appointees. Vacancies must be filled by the appointing authority, a quorum is a majority of the members, and the Task Force must meet upon the call of the cochair.

The Task Force is directed to consider and recommend strategies for addressing childhood obesity through:

- Early childhood intervention.
- Childcare facilities.
- Before and after-school programs.
- Physical education and physical activity in schools.
- Higher nutrition standards in schools.
- Increased access to recreational activities for children.
- Community initiatives and public awareness.
- Other means.

*\*This summary was substantially contributed to by Susan Barham, Research Assistant.*

H1827-SMTC-135(CSTC-67) v4

Research Division

O. Walker Reagan, Director

(919) 733-2578

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

H

D

**HOUSE BILL 1827\*  
PROPOSED COMMITTEE SUBSTITUTE H1827-CSTC-67 [v.1]**

5/26/2010 4:16:31 PM

Short Title: Legislative Task Force on Childhood Obesity.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED  
AN ACT TO REESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD  
OBESITY, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON  
CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part XLIX of S.L. 2009-574 reads as rewritten:

**"PART XLIX. LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY (Yongue)**

**"SECTION 49.1.** There is created the Legislative Task Force on Childhood Obesity.

**"SECTION 49.2.** The Task Force shall consist of 12 members as follows:

- (1) Six members of the House of Representatives.
- (2) Six members of the Senate.

**"SECTION 49.3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Terms of the initial members begin on appointment and continue until the convening of the 2011 Session of the General Assembly. Subsequent appointments begin during the 2011 Session of the General Assembly and continue until the Task Force terminates. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

**"SECTION 49.4.** The Task Force shall include, but should not be limited to, study of issues relating to childhood obesity. In the course of the study, the Task Force shall consider and recommend to the General Assembly strategies for addressing the problem of childhood obesity and encouraging healthy eating and increased physical activity among children through:

- (1) Early childhood intervention;
- (2) Childcare facilities;
- (3) Before and after-school programs;
- (4) Physical education and physical activity in schools;
- (5) Higher nutrition standards in schools;
- (6) Comprehensive nutrition education in schools;
- (7) Increased access to recreational activities for children;
- (8) Community initiatives and public awareness; and
- (9) Other means.

**"SECTION 49.5.** The Task Force shall encourage input from public nonprofit organizations, promoting healthy lifestyles for children, addressing the problems related to childhood obesity, encouraging healthy eating, and increasing physical activity among children.



\* H 1 8 2 7 - C S T C - 6 7 - V - 1 \*

1 "SECTION 49.6. Members of the Task Force shall receive per diem, subsistence, and  
2 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task  
3 Force, while in the discharge of its official duties, may exercise all powers provided for under  
4 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime  
5 upon the joint call of the cochair. The Task Force may meet in the Legislative Building or the  
6 Legislative Office Building.

7 With approval of the Legislative Services Commission, the Legislative Services Officer  
8 shall assign professional staff to assist the Task Force in its work. The House of  
9 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
10 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
11 Force. The Task Force may contract for professional, clerical, or consultant services as  
12 provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a  
13 State employee or a person currently under contract with the State to provide services.

14 All State departments and agencies and local governments and their subdivisions shall  
15 furnish the Task Force with any information in their possession or available to them.

16 "SECTION 49.7. The Task Force shall submit a ~~final~~ report of the results of its study and  
17 its recommendations to the 2010 Regular Session of the 2009 General Assembly. The Task  
18 Force may make a report of the results of its study and recommendations to the 2011 General  
19 Assembly and shall submit a report to the 2012 Regular Session of the 2011 General Assembly.  
20 The Task Force shall terminate on May 1, 2010, or upon the filing of its final report, whichever  
21 occurs first, upon the convening of the 2012 Regular Session of the 2011 General Assembly."

22 SECTION 2. This act becomes effective April 30, 2010.  
23

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1827\***

**Short Title:** Legislative Task Force on Childhood Obesity. (Public)

**Sponsors:** Representatives Yongue, Brown, Hughes, Insko (Primary Sponsors); M. Alexander, Bell, Carney, Dockham, England, Faison, Fisher, Gill, Glazier, Harrison, Holliman, Jeffus, Johnson, Lucas, Luebke, Parfitt, Pierce, Sutton, Tarleton, Tolson, Wainwright, and Whilden.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

May 19, 2010

**A BILL TO BE ENTITLED**

**AN ACT TO REESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The Legislative Task Force on Childhood Obesity, as created in Part XLIX of S.L. 2009-574, is reestablished for the 2011-2012 Session of the General Assembly.

**SECTION 2.** The Task Force may make an interim report of the results of its study and recommendations to the 2011 General Assembly and shall submit a final report of the results of its study and recommendations to the 2011 General Assembly, Regular Session 2012. The Task Force shall terminate on May 1, 2012, or upon the filing of its final report, whichever occurs first.

**SECTION 3.** This act is effective when it becomes law.



\* H 1 8 2 7 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1827**                      A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE  
LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY, AS RECOMMENDED BY THE  
LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,  
and recommendation that the committee substitute bill be re-referred to the Committee on  
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1864\***

Short Title: No High School Graduation Proj. Required. (Public)

Sponsors: Representatives Cole, Crawford, Love, Bryant (Primary Sponsors); Carney, Faison, Folwell, Harrison, Setzer, Starnes, Wainwright, and R. Warren.

Referred to: Education.

May 20, 2010

A BILL TO BE ENTITLED  
AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A  
REQUIREMENT FOR GRADUATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

- (1) A core curriculum for all students that takes into account the special needs of children;
- (2) A set of competencies, by grade level, for each curriculum area;
- (3) A list of textbooks for use in providing the curriculum;
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with disabilities and, in particular, include appropriate modifications;
- (5) A program of remedial education;
- (6) Required support programs;
- (7) A definition of the instructional day;
- (8) Class size recommendations and requirements;
- (9) Prescribed staffing allotment ratios;
- (10) Material and equipment allotment ratios;
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and
- (12) Any other information the Board considers appropriate and necessary.

The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I.

The State Board shall not require any student to prepare a high school graduation project as a condition of graduation from high school prior to July 1, 2011; school; local boards of education may, however, require their students to complete a high school graduation project."

**SECTION 2.** This act is effective when it becomes law.



\* H 1 8 6 4 - V - 1 \*



## HOUSE BILL 1864: No High School Graduation Proj. Required

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Cole, Crawford, Love, Bryant  
**Analysis of:** First Edition

**Date:** May 27, 2010  
**Prepared by:** Sara Kamprath  
Legislative Analyst

**SUMMARY:** *House Bill 1864 would prohibit the State Board of Education from requiring a high school graduation project as a requirement for graduation. The bill is effective when it becomes law.*

[As introduced, this bill was identical to S1253, as introduced by Sen. Stevens, which is currently in Senate Education/Higher Education.]

### BACKGROUND:

In 2005, the State Board of Education adopted a policy that a student following the career preparation, college technical preparation, or college/university preparation course of study must successfully complete the North Carolina Graduation Project (Graduation Project) in order to receive a high school diploma. The new policy would begin with the entering 9<sup>th</sup> grade class of 2006-2007.

DPI provided information to parents about the new requirement that explained that the Graduation Project is a performance-based assessment that allows students to apply practical, real-world skills that are not usually measured by standardized tests to a topic of the student's choosing. The Graduation Project consists of four components: research paper, product, portfolio, and oral presentation. Each student works under the guidance of a mentor and mainly outside of school on the Graduation Project throughout the high school years.

On April 2, 2009, the State Board of Education approved a one-year delay to the North Carolina Graduation Project as a requirement for high school students. The Graduation Project would then become a requirement for graduation for students who entered ninth grade in 2007-08 or the graduating class of 2010-2011.

The 2009 General Assembly enacted S.L. 2009-60 that prohibited the State Board of Education from requiring the completion of a high school graduation project as a condition of graduation before July 1, 2011. However, local boards of education were given the option to require a high school graduation project.

The Program Evaluation Division of the General Assembly was directed to study the cost and effectiveness of a Statewide requirement for a high school graduation project. The Program Evaluation Division made a final report to the Joint Legislative Program Evaluation Oversight Committee on April 28, 2010, recommending that the "North Carolina General Assembly direct the State Board of Education to delegate authority to school districts to decide whether to implement a high school graduation project requirement."

H1864-SMRJ-108(e1) v3



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1864\***

**Short Title:** No High School Graduation Proj. Required. (Public)

**Sponsors:** Representatives Cole, Crawford, Love, Bryant (Primary Sponsors); Carney, Faison, Folwell, Harrison, Setzer, Starnes, Wainwright, and R. Warren.

**Referred to:** Education.

May 20, 2010

A BILL TO BE ENTITLED  
AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A  
REQUIREMENT FOR GRADUATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

- (1) A core curriculum for all students that takes into account the special needs of children;
- (2) A set of competencies, by grade level, for each curriculum area;
- (3) A list of textbooks for use in providing the curriculum;
- (4) Standards for student performance and promotion based on the mastery of competencies, including standards for graduation, that take into account children with disabilities and, in particular, include appropriate modifications;
- (5) A program of remedial education;
- (6) Required support programs;
- (7) A definition of the instructional day;
- (8) Class size recommendations and requirements;
- (9) Prescribed staffing allotment ratios;
- (10) Material and equipment allotment ratios;
- (11) Facilities guidelines that reflect educational program appropriateness, long-term cost efficiency, and safety considerations; and
- (12) Any other information the Board considers appropriate and necessary.

The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I.

The State Board shall not require any student to prepare a high school graduation project as a condition of graduation from high school ~~prior to July 1, 2011; school;~~ local boards of education may, however, require their students to complete a high school graduation project."

**SECTION 2.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1864** A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**D**

**SENATE BILL 66\*  
Education/Higher Education Committee Substitute Adopted 4/8/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S66-PCS55599-LB-83**

Short Title: Comprehensive Arts Education Plan.

(Public)

Sponsors:

Referred to:

February 5, 2009

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE A COMPREHENSIVE ARTS EDUCATION PLAN.

Whereas, North Carolina's economy needs a workforce that is not only educated but able to excel in 21<sup>st</sup> century skills, including innovation and creativity; and

Whereas, arts education has been demonstrated to increase the motivation and engagement required to obtain the skills and knowledge necessary for high school graduation; and

Whereas, arts education can close achievement gaps and improve academic skills in math and science, reading and language development, and other areas of the curriculum; and

Whereas, arts education accelerates student performance, teaches discipline and teamwork, improves self-esteem, and gives students a reason to stay in school; and

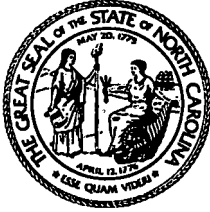
Whereas, arts education is an essential component of a comprehensive, rigorous, and balanced education for all children in North Carolina's schools; Now, therefore, The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education shall appoint a task force of members from the Department of Public Instruction and the Department of Cultural Resources to create a Comprehensive Arts Education Development plan for the public schools in North Carolina. In addition to members appointed by the State Board of Education, the task force shall include at least one member of the House of Representatives appointed by the Speaker and at least one member of the Senate appointed by the President Pro Tempore.

**SECTION 2.** The task force shall specifically consider policies to implement arts education in the public schools as defined in the existing Basic Education Program under G.S. 115C-81, to include (i) an arts requirement in grades K-5, (ii) availability of all four arts disciplines in grades 6-8, with students required to take at least one arts discipline each school year, and (iii) availability of electives in the arts at the high school level. The task force shall further consider a high school graduation requirement in the arts and the further development of the A+ Schools Program. The task force shall submit its recommendations, including any proposed legislation, to the Joint Legislative Education Oversight Committee no later than December 1, 2010.

**SECTION 3.** This act is effective when it becomes law.





## SENATE BILL 66: Require Arts Educ. Credit for Graduation

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 1, 2010
<b>Introduced by:</b>	Sen. Dorsett	<b>Prepared by:</b>	Shirley Iorio, PhD
<b>Analysis of:</b>	PCS to Second Edition S66-CSLB-83		Legislative Analyst

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**SUMMARY:** *The Proposed Committee Substitute (PCS) for Senate Bill 66 would direct the State Board of Education (State Board) to appoint a task force to create a Comprehensive Arts Education Development plan for the public schools. In addition to the State Board's appointees, the Speaker of the House of Representatives and the President Pro Tempore of the Senate would each appoint at least one member from their respective chambers to serve on the task force.*

*The PCS would become effective when it becomes law.*

[As introduced, this bill was identical to H149, as introduced by Reps. Carney, Glazier, Adams, Johnson, which is currently in House Education.]

**CURRENT LAW:** G.S. 115C-81(a1) sets forth the Basic Education Program which has been implemented as funding allows. It includes the arts as an area of instruction that must be offered in the public schools. An arts education standard course of study has been adopted by the State Board of Education. To the extent funds are available, the State Board mandates that arts education must be required of all students through grade 5. For grades 6-8, all four disciplines of arts education must be available with students required to take at least one each year. The four disciplines are: theatre, music, visual arts, and dance. For the high school level, the arts are to be made available as electives.

The arts are considered as one of the core academic subjects in the federal No Child Left Behind legislation and any person teaching one of the core academic subjects at the elementary, middle, or high school levels must be highly qualified. In North Carolina, licensure is available for all four disciplines of arts education.

**BILL ANALYSIS:** The Proposed Committee Substitute (PCS) for Senate Bill 66 would direct the State Board of Education (State Board) to appoint a task force to create a Comprehensive Arts Education Development plan for the public schools. The task force members would be from the Department of Public Instruction (DPI) and the Department of Cultural Resources. In addition, the task force would include at least one member of the House of Representatives appointed by the Speaker and at least one member of the Senate appointed by the President Pro Tempore.

The PCS would require the task force to consider ways to more fully implement arts education in public schools as required by the Basic Education Program (BEP) to include the following:

- An arts requirement in grades K-5;
- Availability of all four arts disciplines (theatre, music, visual arts, and dance) in grades 6-8, with students required to take at least one arts discipline each school year; and
- Availability of electives in the arts at the high school level.

The task force would also consider a high school graduation requirement in the arts and the further development of the A+ Schools Program.

The task force would make recommendations to the Joint Legislative Education Oversight Committee by December 1, 2010.

**EFFECTIVE DATE:** The act would become effective when it becomes law.

S66-SMSF-106(CSLB-83) v4

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

2

**SENATE BILL 66\***

**Education/Higher Education Committee Substitute Adopted 4/8/09**

Short Title:   Require Arts Educ. Credit for Graduation.

(Public)

Sponsors:

Referred to:

February 5, 2009

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS  
EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL AS  
RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION.

Whereas, North Carolina's economy needs a workforce that is not only educated but  
able to excel in innovation and creativity; and

Whereas, arts education has been demonstrated to increase the skills and knowledge  
required for graduation; and

Whereas, arts education can close achievement gaps, improve academic skills in  
reading and language development, and support the math and science curriculum; and

Whereas, arts education accelerates student performance, teaches discipline and  
teamwork, improves self-esteem, and gives students a reason to stay in school; and

Whereas, arts education provides a comprehensive, rigorous, and balanced  
education for all children in North Carolina's schools; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education shall modify the State high school  
graduation requirements to include one required credit in arts education. The credit must be  
earned in one of the four disciplines in arts education: theatre, music, visual arts, or dance. The  
course must be taken at the high school level and must be taught by a licensed arts educator  
using the standard course of study.

The State Board of Education shall implement this high school arts education  
requirement beginning with students entering the ninth grade in 2011.

A Work Group on Arts Education shall be formed including representatives of the  
Department of Public Instruction and the Department of Cultural Resources to study, plan, and  
recommend implementation models for the high school arts education requirement.

**SECTION 2.** This act is effective when it becomes law.



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 66** A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
June 8, 2010

The House Committee on Education met at 11:00 a.m. on Tuesday, June 8, 2010 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Love, Parmon, and Womble ; **Members:** Adam, Alexander, Avila, Blackwell, Bordsen, Brown, Bryant, Carney, Cleveland, Dockham, Dollar, England, B. Floyd, E. Floyd, Gill, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Iler, Insko, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Parfitt, Rapp, Rhyne, Ross, Samuelson, Stam, Stewart, Tarleton, Tillis, Tolson, E. Warren, R. Warren, Whilden, Wiley, Wilkins, and Yongue.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. The agenda was presented and the following bills were before the committee:

**HB 1753 – A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BUSES AND ACTIVITY BUSES TO CROSS CERTAIN RAILROAD GRADE CROSSINGS WITHOUT FIRST STOPPING.**

**Representative Underhill** explained that this local bill only applied to Craven County and only to one railroad crossing on Hwy. 70 in James City, North Carolina. This bill would allow school buses and activity buses to cross certain railroad crossings without first stopping.

Current law requires that only school buses and activity buses must stop at railroad tracks used exclusively for industrial switching purposes with a business district; railroad grade crossings where a police officer or crossing flagman directs traffic to proceed; railroad grade crossings protected by a gate or flashing signal when the signal does not indicate an approaching train; abandoned railroad crossings which is marked with a sign; and an industrial or spur line railroad grade crossing marked with a sign reading 'Exempt' erected by or with the consent of the appropriate State or local authority.

The Craven County Board of Commissioners, Board of Education, and the Highway Patrol are in support of the bill.

**Becton Broughton**, Director of Transportation for Craven County Schools, explained that the bill came about because of the increased severity of accidents and one death. It is where Hwy. 17 South merges with Hwy. 70 going to Morehead City. The railroad crossing is sitting where there are four lanes of traffic in this section. One reason for the support is the chain reaction caused by the stopped school buses which are not involved in the accidents but cars behind end up with rear in collisions. It is extremely dangerous for those cars sitting and 18 wheelers hitting screeching brakes/ and or weaving from the short distance of stop time.

**Representative Tillis** moved for a favorable report and recommendation that the bill be re-referred to the Committee on Judiciary III. HB 1753 passed.

**HB 1782 – A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A CONSOLIDATED ANNUAL REPORT FOR VARIOUS EARLY CARE AND EDUCATION PROGRAMS AS RECOMMENDED BY THE TASK FORCE ON THE CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND CARE.**

**Representative Lucas** moved to adopt the PCS for HB 1782 and **Representative Rapp** explained the Proposed Committee Substitute (PCS) along with staffer, Dr. Shirley Iorio, to the education committee. This bill is a recommendation of the Task Force on the Consolidation of Early Childhood Education and Care. The Task Force found that nearly \$1.1 billion in state and federal resources are invested in programs providing early childcare and education services, and that a consolidated annual report is crucial for the public to understand the true breadth of services provided. A consolidated report will provide a one-stop place to review critical program performance information.

The PCS to House Bill 1782 would require the Department of Health and Human Services, the Department of Public Instruction, and the North Carolina Partnership for Children, Inc. to submit a consolidated annual report on programs related to early childhood education and care.

The consolidated report required by this act would include the following:

A description of programs, services, and initiatives and the results of their previous year's evaluation; the number of children served by type of service; the number of individuals who applied and qualified for programs who have never been served/and those who applied but did not receive services due to budget constraints; the ages of children on program waiting lists; a cost analysis of the program, including the cost per child served; a detailed explanation of expenditures related to quality enhancement activities; a history of the funding and the previous fiscal year's expenditures; a description of significant policy and program changes; and a report of any private funds received.

**Dr. Shirley Iorio** named all those on the Task Force which also included The Division of Child Development at the Department of Health and Human Services, The North Carolina Partnership for Children, the Office of Early Learning at the Department of Public Instruction, the Child Care Resources and Referral Council, and the Child Care Services Association. Representative Rapp urges for adoption by the committee.



**Representative Womble** moved HB 1782 receive a favorable report to the committee substitute bill, unfavorable to the original bill, and a recommendation that the committee substitute bill be re-referred to the Committee on Appropriations. HB 1782 passed.

**HB 1784 – A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF PAYMENTS MADE BY MULTIPLE PUBLIC AND PRIVATE AGENCIES TO EARLY CHILD CARE AND EDUCATION PROVIDERS AS RECOMMENDED BY THE TASK FORCE ON THE CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND CHILD CARE.**

**Representative Rapp** explained how HB 1784 would direct the Department of Health and Human Services to require all agencies that receive State monies to fund early child care and education to participate in the consolidated payment function system. The bill sets a rate structure which brings some equity between public and private organizations that provide this service. The bill would also direct the Department of Public Instruction to require all agencies that purchase More At Four program slots within licensed child care or Head Start settings to participate in the consolidated payment function system must document savings related to the implementation of the consolidated payment function. A five to seven million dollar savings would be recognized.

House Bill 1784 is a recommendation of the Task Force on the Consolidation of Early Childhood Education and Care. In a presentation to the Task Force, a number of stakeholders proposed the consolidated payment function to 'gain efficiencies across the various public and private eligibility and funding systems'. **Representative Rapp** urges for adoption by the committee.

**Representative McLawhorn** was recognized for a motion of a favorable report for HB 1784 and a recommendation that the bill be re-referred to the Committee on Appropriations. HB 1784 passed unanimously.

**HB 1884 – A BILL TO BE ENTITLED AN ACT TO AMEND THE NUMBER AND COMPOSITION OF THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE STATE EDUCATION ASSISTANCE AUTHORITY. AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID.**

**Representative Rapp** explained that the bill would increase the number of board members from seven to nine; change the composition of the membership of the board by providing that while the Governor shall continue to appoint seven members, two must have expertise in finance, three must have expertise in secondary or higher education, one must be a public member with an interest in higher education, and one must be a chief financial officer from an independent college or university that is a member institution of the North Carolina Independent Colleges and Universities, Inc., appointed upon recommendation of that organization. A gubernatorial appointment continues to be a four year term

or a qualified successor. **Representative Rapp** urges for adoption by the committee.

**Representative Tarleton** moved for a favorable report for HB 1884 and a recommendation that the bill be re-referred to the Committee on State Government and State Personnel. HB 1884 passed.

**Chairman Bell** adjourned the meeting at 11:45 a. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

## VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 8, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Sharon Grubb	NCSEAA
Thomas Jones	NCACC
Melissa Truitt	NCACC
Beth Dail	Onslow County
Hoel Wiesner	Rep. Ross's Office
Korea Stallard	Rep. Ross' Office
Pecton Broughton	Craven County Schools
Tracy Ingram (Rick Ingram)	Rep Ray Rapp
Stephanie Kass	Rep Verla Insko
David Mofford	Civitas Institute
Linda Briles	NCAS
Marge Foreman	NCAE

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 8, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Brian Lewis	NCAE
Thomas C. Caves, Jr.	NC Dept. of Crime Control & Public Safety
Elin Schwedlow	UNC-GA
Bill Roberts	Duke Energy - Hickory
Ryan Hager	WR DUKSON - HKT
Steve Cavanough	CAVANOUGH - WINDSTOCK - SALLY
Nick Amann	Apple
Bruce Thompson	PARKER POB
Jay Schulin	Pope Center
Brenda DEMPSEY	MWC
Nick Tosco	NCLM
Palmer Bull	TCAEC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 8, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Leanne Winner	NCSBA
Ben Matthe	NCDPF
Henry Huta	N.C.B.A.
Jessica Floyd	
Andrew Cagle	DLC + Assoc.
Jed Maynard	CMS
Gere Cauby	NCSCA
Brian McPherson	Intern - Yague & Alexander
Doug Lassiter	NCSTA
Andrew Neehan	Capstrat
Alice Parlana	NCEL
Chris/Evelyn Hawthorne	

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Norris	Public School Forum of NC
Jim Harris	WCPSS
Katherine Joyce	NCASA
Amy Whitel	NC med society
Steve Shon	NC Pediatric Soc.
Amy Hobbs	MWC
Matt Farrell	TPG
Bob White	McGuire Woods
Charles Orr	MWC
Thomas Dellin	Rep. Glazier
George Everett	Duke Energy

## VISITOR REGISTRATION SHEET

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE**  
**CLERK**

NAME

**FIRM OR AGENCY AND ADDRESS**[illegible]

# **EDUCATION COMMITTEE**

## **HOUSE PAGES**

**June 8, 2010**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
Elizabeth Sirkin	Craven	Underhill
Aleksander Seymore	Craven	Underhill
Fields Pierce	New Hanover	McComas
Mallory Finch	Mecklenburg	Samuelson
Elise McDow	New Hanover	Hughes

## **INTERN**

**Chelsea Corey - Research**

## **SGT-AT-ARMS**

<b>Judy Turner</b>	<b>Martha Parrish</b>
<b>John Brandon</b>	<b>Marvin Lee</b>
<b>Trey Raley</b>	

## **Committee Assistants**

<b>Thelma Utley</b>	<b>Carolyn Edwards</b>
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# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**June 8, 2010  
11:00 A.M.  
Room 643 LOB**

**Representative Bell**  
*Presiding Chair*

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1753	School Bus Railroad Crossing Exception.	Representative Underhill Representative Wainwright
HB 1782	Consolidated Report/Early Care & Education.	Representative Rapp Representative Glazier Representative Insko
HB 1784	Consolidate Payments/Early Care & Ed Provider.	Representative Rapp Representative Glazier Representative Insko
HB 1884	Amend SEAA Board Membership.	Representative Rapp

**Adjournment**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1753\*

Short Title: School Bus Railroad Crossing Exception. (Local)

Sponsors: Representatives Underhill, Wainwright (Primary Sponsors); Hughes and Rapp.

Referred to: Education, if favorable, Judiciary III.

May 18, 2010

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW SCHOOL BUSES AND ACTIVITY BUSES TO CROSS CERTAIN  
3 RAILROAD GRADE CROSSINGS WITHOUT FIRST STOPPING.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. G.S. 20-142.3 reads as rewritten:  
6 "§ 20-142.3. Certain vehicles must stop at railroad grade crossing.  
7 (a) Before crossing at grade any track or tracks of a railroad, the driver of any school  
8 bus, any activity bus, any motor vehicle carrying passengers for compensation, any commercial  
9 motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16 or more  
10 persons shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the  
11 railroad. While stopped, the driver shall listen and look in both directions along the track for  
12 any approaching train and shall not proceed until the driver can do so safely. Upon proceeding,  
13 the driver of the vehicle shall cross the track in a gear that allows the driver to cross the track  
14 without changing gears and the driver shall not change gears while crossing the track or tracks.  
15 (b) Except for school buses and activity buses, the provisions of this section shall not  
16 require the driver of a vehicle to stop:  
17 (1) At railroad tracks used exclusively for industrial switching purposes within a  
18 business district.  
19 (2) At a railroad grade crossing which a police officer or crossing flagman  
20 directs traffic to proceed.  
21 (3) At a railroad grade crossing protected by a gate or flashing signal designed  
22 to stop traffic upon the approach of a train, when the gate or flashing signal  
23 does not indicate the approach of a train.  
24 (4) At an abandoned railroad grade crossing which is marked with a sign  
25 indicating that the rail line is abandoned.  
26 (5) At an industrial or spur line railroad grade crossing marked with a sign  
27 reading "Exempt" erected by or with the consent of the appropriate State or  
28 local authority.  
29 (b1) Notwithstanding the provisions of subsection (b) of this section, no school bus or  
30 activity bus shall be required to stop at a railroad grade crossing that is marked with a sign  
31 reading "Exempt" erected by or with the consent of the appropriate State or local authority and  
32 the railroad tracks leading to and from the railroad grade crossing are gated closed at all times  
33 when a train is not passing over the railroad grade crossing.  
34 (c) A person violating the provisions of this section shall be guilty of an infraction and  
35 punished in accordance with G.S. 20-176. Violation of this section shall not constitute  
36 negligence per se.  
37 (d),(e) Repealed by Session Laws 2001-487, s. 50(g).



\* H 1 7 5 3 - V - 1 \*

- 1       (f)     An employer who knowingly allows, requires, permits, or otherwise authorizes a  
2 driver of a commercial motor vehicle to violate this section shall be guilty of an infraction.  
3 Such employer will also be subject to a civil penalty under G.S. 20-37.21."

4           **SECTION 2.** This act applies to Craven County only.

5           **SECTION 3.** This act is effective when it becomes law.



## HOUSE BILL 1753: School Bus Railroad Crossing Exception

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, Judiciary III	<b>Date:</b>	June 4, 2010
<b>Introduced by:</b>	Reps. Underhill, Wainwright	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 1753 would allow school buses and activity buses in Craven County to cross certain railroad crossings without first stopping.*

[As introduced, this bill was identical to S1377, as introduced by Sen. Preston, which is currently in Senate Education/Higher Education.]

**CURRENT LAW:** G.S. 20-142.3(b) requires that only school buses and activity buses must stop at:

- Railroad tracks used exclusively for industrial switching purposes within a business district
- Railroad grade crossings where a police officer or crossing flagman directs traffic to proceed
- Railroad grade crossings protected by a gate or flashing signal when the signal does not indicate an approaching train
- Abandoned railroad crossings which is marked with a sign
- An industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

A violation of this section is an infraction with a penalty of not more than \$100.

**BILL ANALYSIS:** Notwithstanding the provisions of G.S. 20-142.3(b), no school bus or activity bus would be required to stop at a railroad grade crossing (1) that is marked with an "Exempt" sign erected by or with the consent of a State or local authority and (2) where the railroad tracks leading to and from the railroad grade crossing are gate closed at all times when a train is not passing over the crossing.

**EFFECTIVE DATE:** The bill is effective when it becomes law and applies only to Craven County.

**BACKGROUND:** There is only one "exempt" railroad crossing in Craven County and it is located on U.S. 70 in James City. The Craven County Board of Commissioners, the Craven County Board of Education, and the Highway Patrol are in support of the proposed legislation.

H1753-SMRJ-113(e1) v2

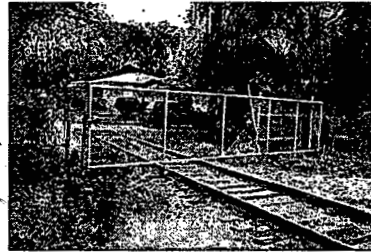
## **Craven County Schools Transportation Services**

Information on Norfolk Southern Railroad Crossing  
US 70 James City 722599E  
Relative to NC General Assembly -- House Bill 1753  
Short Title: School Bus Railroad Crossing Exception

The location for this railroad grade crossing on "Google Maps" is:  
search address -- 508 E US 70 Hwy New Bern, NC (use satellite view)

Note: railroad spur line parallels W Maple Street on west side of US 70 and  
crosses Plum Street on east side of US 70

The possibility of a train/bus collision at this gated and locked spur line crossing is  
almost impossible. Train personnel leave the train and unlock and open the west side  
gate then cross US 70 (seven lines of traffic) to unlock and open the east side gates.



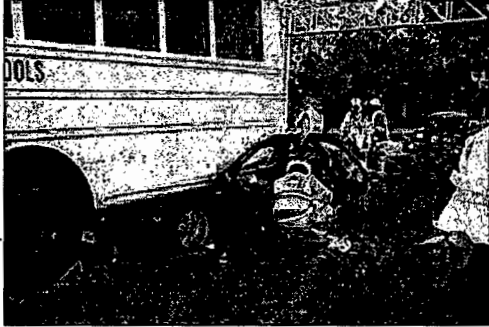
NC DOT has been very cooperative in trying to make motorists "aware of the  
school/activity bus exception" to the "exempt" status of this railroad crossing. This area  
is so congested with merging and exiting traffic that some motorists fail to realize a  
school/activity bus is stopped in the flow of three plus lanes of traffic. NOTE: I do not  
think that flashing lights on a sign will stop an inattentive motorist or a motorist  
attempting to change lanes in order to avoid being behind a school/activity bus.



SAMPLE photos showing the severity of damage that has resulted from school/activity buses being required to stop at this "exempt" locked and gated railroad crossing.

Date of accident – October 1, 2009 Bus # 349

Result -- car driver lost his life and pregnant wife sustained injuries also



Date of accident – April 24, 2007 Bus # 2008

Result – truck driver was in critical condition and is now permanently disabled



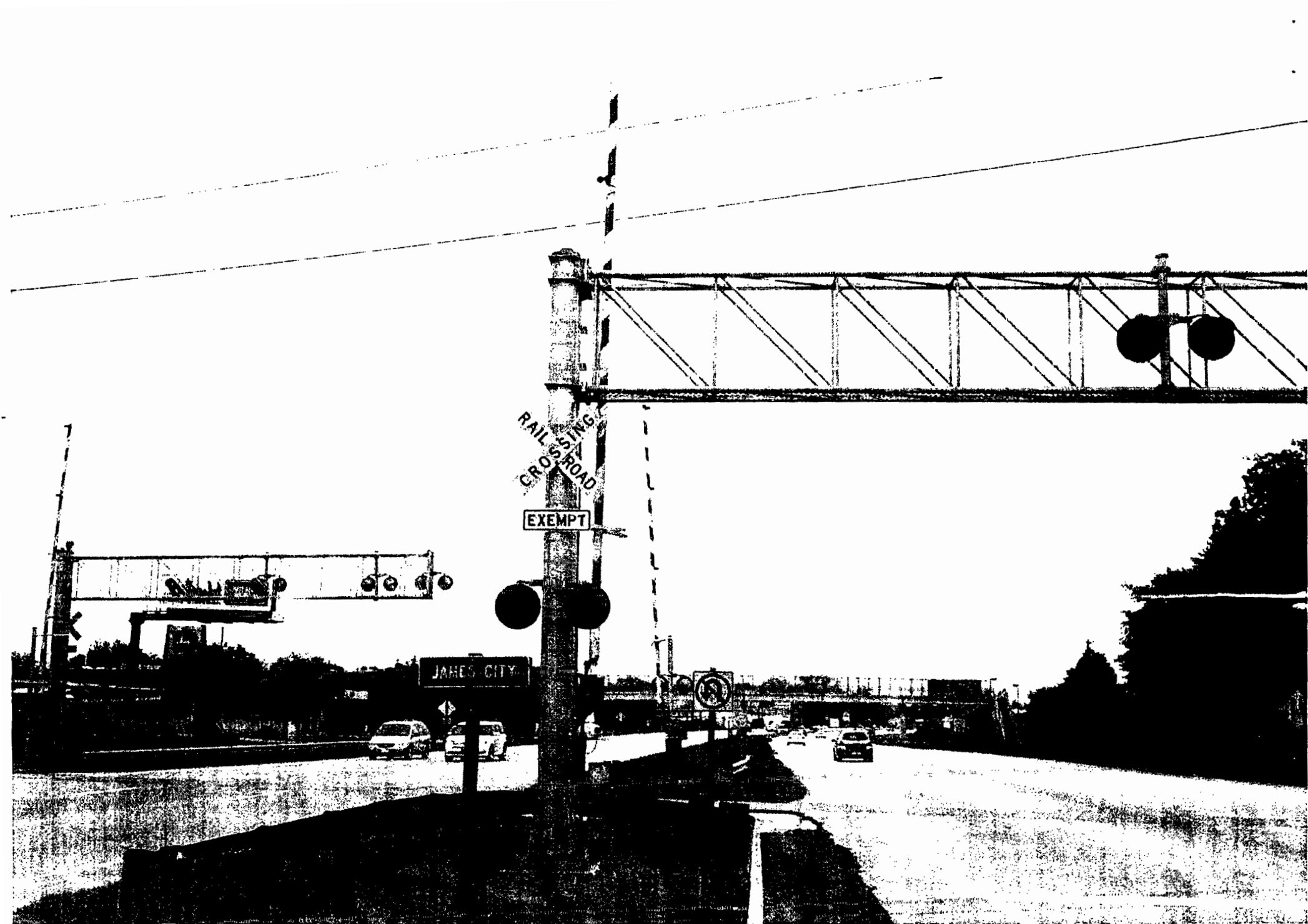
Summary -- The unique traffic features of the US 70 James City 722599E railroad crossing prompted the Craven County Commissioners and Board of Education to request an exemption to G.S. Chapter 20 Section 142.3 .

I ask that you evaluate your action on HB 1753 with regard to what has happened at this crossing, not upon what future implications MAY result at other exempt railroad crossings across this great state of ours. I thank you for your consideration in this safety matter.

My contact information –  
Becton Broughton  
Director of Transportation  
Craven County Schools  
1816 Hazel Avenue  
New Bern, NC 28560

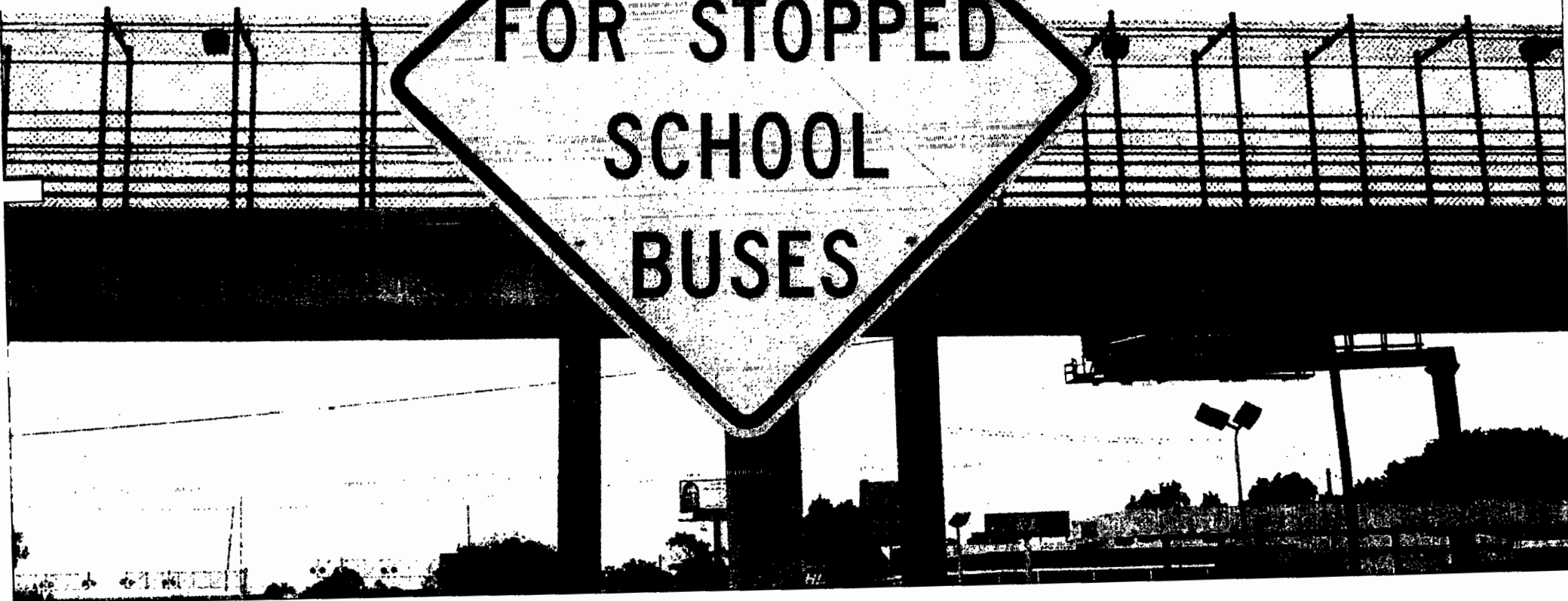
252-514-6377 (office phone)  
252-671-5460 (cell phone)  
[becton.broughton@craven.k12.nc.us](mailto:becton.broughton@craven.k12.nc.us)

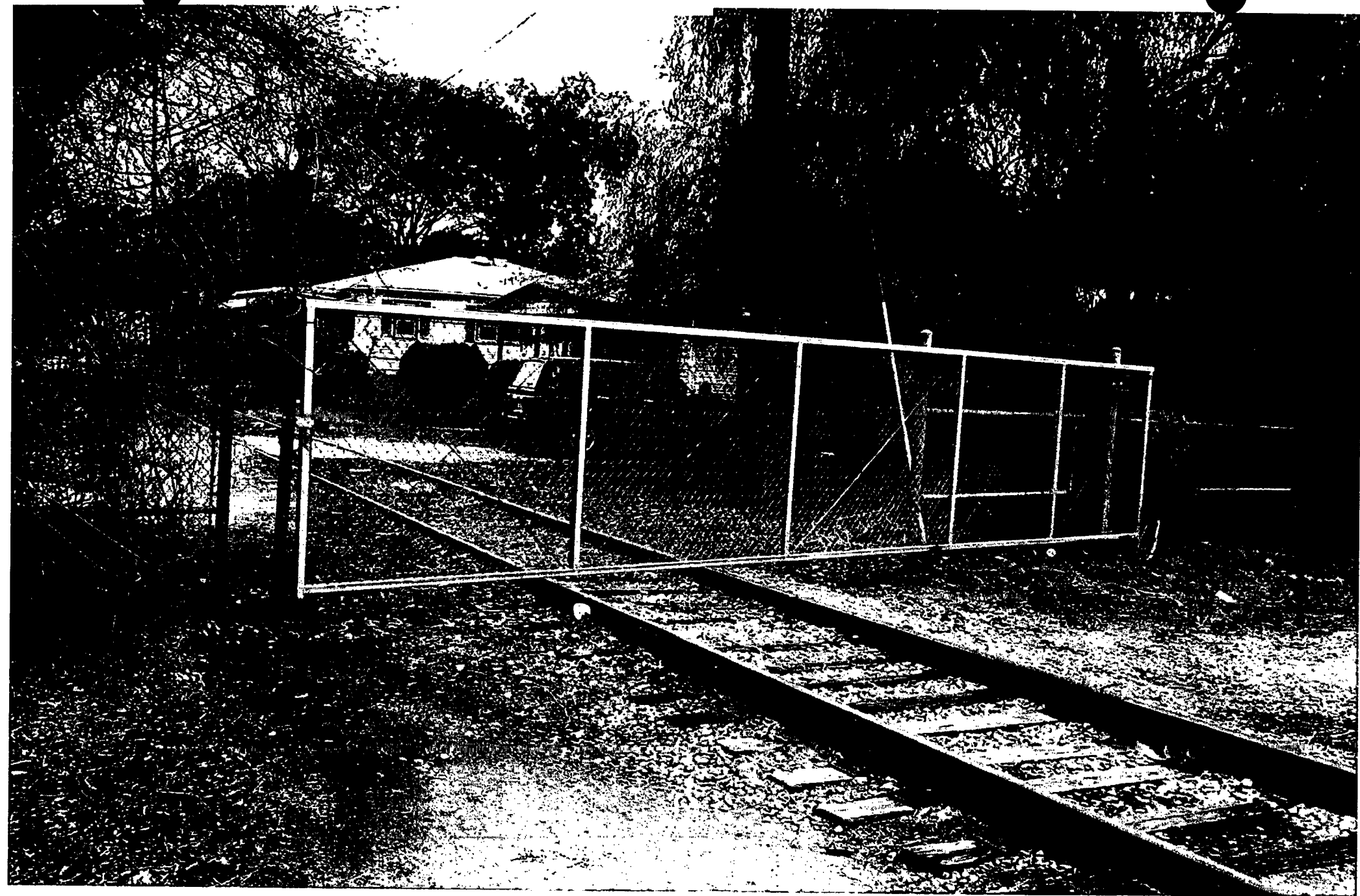






**WATCH  
FOR STOPPED  
SCHOOL  
BUSES**







**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1753**                      A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BUSES AND  
ACTIVITY BUSES TO CROSS CERTAIN RAILROAD GRADE CROSSINGS WITHOUT FIRST  
STOPPING.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
JUDICIARY III.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1782\***

Short Title: Consolidated Report/Early Care & Education. (Public)

Sponsors: Representatives Rapp, Glazier, Insko (Primary Sponsors); M. Alexander, Barnhart, Bell, Bordsen, Braxton, Brisson, Bryant, Coates, Earle, England, Faison, Fisher, E. Floyd, Gill, Harrison, Hughes, Jeffus, Lucas, Martin, McLawhorn, Parmon, Tarleton, and Yongue.

Referred to: Education, if favorable, Appropriations.

May 19, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR A CONSOLIDATED ANNUAL REPORT FOR VARIOUS  
3 EARLY CARE AND EDUCATION PROGRAMS AS RECOMMENDED BY THE TASK  
4 FORCE ON THE CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND  
5 CARE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. The Department of Health and Human Services, the Department of  
8 Public Instruction, and the North Carolina Partnership for Children, Inc., shall submit a  
9 consolidated report no later than January 1 of each year to the General Assembly that shall  
10 include the following:

- 11 (1) A description of programs and significant services and initiatives.
- 12 (2) To the extent possible, the number of children served by type of service.
- 13 (3) The number of individuals who applied and qualified for programs who have  
14 never been served.
- 15 (4) The number of individuals who applied but did not receive services due to  
16 budget constraints.
- 17 (5) The ages of children on program waiting lists.
- 18 (6) A cost analysis of the program, including the cost per child served by the  
19 program.
- 20 (7) A detailed explanation of expenditures related to quality enhancement  
21 activities, such as the WAGES or TEACH programs.
- 22 (8) A history of the funding and the previous fiscal year's expenditures.
- 23 (9) The results of the previous year's evaluations of the initiatives or related  
24 programs and services.
- 25 (10) A description of significant policy and program changes.
- 26 (11) A report of any private funds received.

27 SECTION 2. This act becomes effective July 1, 2010.



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1782\*  
PROPOSED COMMITTEE SUBSTITUTE H1782-CSSF-58 [v.2]**

6/7/2010 4:25:37 PM

Short Title: Consolidated Report/Early Care & Education.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A CONSOLIDATED ANNUAL REPORT FOR VARIOUS  
EARLY CARE AND EDUCATION PROGRAMS AS RECOMMENDED BY THE TASK  
FORCE ON THE CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND  
CARE.

The General Assembly of North Carolina enacts:

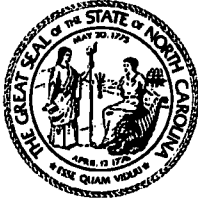
**SECTION 1.** The Department of Health and Human Services, the Department of  
Public Instruction, and the North Carolina Partnership for Children, Inc., shall submit a  
consolidated report on programs related to early childhood education and care no later than  
January 1 of each year to the General Assembly that shall include the following:

- (1) A description of programs and significant services and initiatives.
- (2) The number of children served by type of service, to the extent possible.
- (3) The number of individuals who applied and qualified for programs who have  
never been served.
- (4) The number of individuals who applied but did not receive services due to  
budget constraints.
- (5) The ages of children on program waiting lists.
- (6) A cost analysis of the program, including the cost per child served by the  
program.
- (7) A detailed explanation of expenditures related to quality enhancement  
activities, such as the WAGES or TEACH programs.
- (8) A history of the funding and the previous fiscal year's expenditures.
- (9) The results of the previous year's evaluations of the initiatives or related  
programs and services.
- (10) A description of significant policy and program changes.
- (11) A report of any private funds received.

**SECTION 2.** This act becomes effective July 1, 2010.



\* H 1 7 8 2 - C S S F - 5 8 - V - 2 \*



## HOUSE BILL 1782: Consolidated Report/Early Care & Education

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 8, 2010
<b>Introduced by:</b>	Reps. Rapp, Glazier, Insko	<b>Prepared by:</b>	Shirley Iorio, Ph D
<b>Analysis of:</b>	PCS to the First Edition H1782-CSSF-58 [v.2]		Legislative Analyst

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**SUMMARY:** *The Proposed Committee Substitute (PCS) to House Bill 1782 would require the Department of Health and Human Services, the Department of Public Instruction, and the North Carolina Partnership for Children, Inc. to submit a consolidated annual report on programs related to early childhood education and care.*

*The PCS adds a clarifying phrase to Section 1.*

[As introduced, this bill was identical to H1782, as introduced by Reps. Rapp, Glazier, Insko, which is currently in House Education, if favorable, Appropriations.]

**BILL ANALYSIS:** The consolidated report required by this act would include the following:

- A description of programs, services, and initiatives and the results of their previous year's evaluations;
- The number of children served by type of service;
- The number of individuals who:
  - applied and qualified for programs who have never been served; and
  - applied but did not receive services due to budget constraints.
- The ages of children on program waiting lists;
- A cost analysis of the program, including the cost per child served;
- A detailed explanation of expenditures related to quality enhancement activities;
- A history of the funding and the previous fiscal year's expenditures;
- A description of significant policy and program changes; and
- A report of any private funds received.

**EFFECTIVE DATE:** The act would become effective July 1, 2010.

**BACKGROUND:** House Bill 1782 is a recommendation of the Task Force on the Consolidation of Early Childhood Education and Care. The Task Force found that nearly \$1.1 billion in State and federal resources are invested in programs providing early childcare and education services, and that a consolidated annual report is crucial for the public to understand the true breadth of services provided. A consolidated report will provide a one-stop place to review critical program performance information.

H1782-SMSF-113(e1) v3

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1782\***

**Short Title:** Consolidated Report/Early Care & Education. (Public)

**Sponsors:** Representatives Rapp, Glazier, Insko (Primary Sponsors); M. Alexander, Barnhart, Bell, Bordsen, Braxton, Brisson, Bryant, Coates, Earle, England, Faison, Fisher, E. Floyd, Gill, Harrison, Hughes, Jeffus, Lucas, Martin, McLawhorn, Parmon, Tarleton, and Yongue.

**Referred to:** Education, if favorable, Appropriations.

May 19, 2010

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR A CONSOLIDATED ANNUAL REPORT FOR VARIOUS  
3 EARLY CARE AND EDUCATION PROGRAMS AS RECOMMENDED BY THE TASK  
4 FORCE ON THE CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND  
5 CARE.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** The Department of Health and Human Services, the Department of  
8 Public Instruction, and the North Carolina Partnership for Children, Inc., shall submit a  
9 consolidated report no later than January 1 of each year to the General Assembly that shall  
10 include the following:  
11 (1) A description of programs and significant services and initiatives.  
12 (2) To the extent possible, the number of children served by type of service.  
13 (3) The number of individuals who applied and qualified for programs who have  
14 never been served.  
15 (4) The number of individuals who applied but did not receive services due to  
16 budget constraints.  
17 (5) The ages of children on program waiting lists.  
18 (6) A cost analysis of the program, including the cost per child served by the  
19 program.  
20 (7) A detailed explanation of expenditures related to quality enhancement  
21 activities, such as the WAGE\$ or TEACH programs.  
22 (8) A history of the funding and the previous fiscal year's expenditures.  
23 (9) The results of the previous year's evaluations of the initiatives or related  
24 programs and services.  
25 (10) A description of significant policy and program changes.  
26 (11) A report of any private funds received.  
27 **SECTION 2.** This act becomes effective July 1, 2010.





**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1782** A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A  
CONSOLIDATED ANNUAL REPORT FOR VARIOUS EARLY CARE AND EDUCATION  
PROGRAMS AS RECOMMENDED BY THE TASK FORCE ON THE CONSOLIDATION OF  
EARLY CHILDHOOD EDUCATION AND CARE.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and  
recommendation that the committee substitute bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is  
placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint)  
resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1784\***

**Short Title:** Consolidate Payments/Early Care & Ed Provider. (Public)

**Sponsors:** Representatives Rapp, Glazier, Insko (Primary Sponsors); M. Alexander, Bell, Bordsen, Braxton, Brisson, Bryant, Coates, Earle, England, Faison, Fisher, E. Floyd, Gill, Harrison, Hughes, Jeffus, Lucas, Martin, McLawhorn, Parmon, and Yongue.

**Referred to:** Education, if favorable, Appropriations.

May 19, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE CONSOLIDATION OF PAYMENTS MADE BY  
3 MULTIPLE PUBLIC AND PRIVATE AGENCIES TO EARLY CHILD CARE AND  
4 EDUCATION PROVIDERS AS RECOMMENDED BY THE TASK FORCE ON THE  
5 CONSOLIDATION OF EARLY CHILDHOOD EDUCATION AND CHILD CARE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** In an effort to implement a more efficient system regarding payments  
8 made by multiple public and private agencies to early care and education providers, the  
9 Department of Health and Human Services shall require all agencies involved with funding  
10 early child care and education and receiving State funds to participate in the consolidated  
11 payment function system. The Department of Public Instruction shall require all agencies  
12 purchasing More At Four program slots within licensed child care or Head Start settings to  
13 participate in the consolidated payment function system. An agency using the consolidated  
14 payment function system shall document savings related to the implementation of the  
15 consolidated payment function.

16 **SECTION 2.** This act becomes effective July 1, 2010.



\* H 1 7 8 4 - V - 1 \*



## HOUSE BILL 1784: Consolidate Payments/Early Care & Ed Provider

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 8, 2010
<b>Introduced by:</b>	Reps. Rapp, Glazier, Insko	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 1784 would provide for the consolidation of payments made by public and private agencies to early child care and education providers. The bill is a recommendation of the Task Force on the Consolidation of Early Childhood Education and Care.*

**BILL ANALYSIS:** House Bill 1784 would direct the Department of Health and Human Services to require all agencies that receive State monies to fund early child care and education to participate in the consolidated payment function system. The bill would also direct the Department of Public Instruction to require all agencies that purchase More At Four program slots within licensed child care or Head Start settings to participate in the consolidated payment function system. Agencies using the consolidated payment function system must document savings related to the implementation of the consolidated payment function.

**EFFECTIVE DATE:** The bill would become effective July 1, 2010.

**BACKGROUND:** House Bill 1784 is a recommendation of the Task Force on the Consolidation of Early Childhood Education and Care. In a presentation to the Task Force, a number of stakeholders proposed the consolidated payment function to "gain efficiencies across the various public and private eligibility and funding systems". The stakeholders included the Division of Child Development at the Department of Health and Human Services, the North Carolina Partnership for Children, the Office of Early Learning at the Department of Public Instruction, the Child Chare Resources and Referral Council, and the Child Care Services Association.

H1784-SMRQ-144(e1) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1784**      A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE  
CONSOLIDATION OF PAYMENTS MADE BY MULTIPLE PUBLIC AND PRIVATE  
AGENCIES TO EARLY CHILD CARE AND EDUCATION PROVIDERS AS RECOMMENDED  
BY THE TASK FORCE ON THE CONSOLIDATION OF EARLY CHILDHOOD EDUCATION  
AND CHILD CARE.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on  
APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1884**      A BILL TO BE ENTITLED AN ACT TO AMEND THE NUMBER AND COMPOSITION OF THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE STATE EDUCATION ASSISTANCE AUTHORITY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on STATE GOVERNMENT/STATE PERSONNEL.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1884\*

Short Title: Amend SEAA Board Membership. (Public)

Sponsors: Representatives Rapp; Bell, Glazier, Harrison, Hughes, Tarleton, and Tolson.

Referred to: Education, if favorable, State Government/State Personnel.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NUMBER AND COMPOSITION OF THE MEMBERSHIP OF  
THE BOARD OF DIRECTORS OF THE STATE EDUCATION ASSISTANCE  
AUTHORITY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON  
STATE-FUNDED STUDENT FINANCIAL AID.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-203 reads as rewritten:

"§ 116-203. Authority created as subdivision of State; appointment, terms and removal of  
board of directors; officers; quorum; expenses and compensation of directors.

(a) Authority Created. – There is hereby created and constituted a political subdivision  
of the State to be known as the "State Education Assistance Authority." The exercise by the  
Authority of the powers conferred by this Article shall be deemed and held to be the  
performance of an essential governmental function.

~~The Authority shall be governed by a board of directors consisting of seven members, each  
of whom shall be appointed by the Governor. Two of the first members of the board appointed  
by the Governor shall be appointed for terms of one year, two for terms of two years, two for  
terms of three years, and one for a term of four years from the date of their appointment; and  
thereafter the members of the board shall be appointed for terms of four years. Vacancies in the  
membership of the board shall be filled by appointment of the Governor for the unexpired  
portion of the term. Members of the board shall be subject to removal from office in like  
manner as are State, county, town and district officers. Immediately after such appointment, the  
directors shall enter upon the performance of their duties. The board shall annually elect one of  
its members as chairman and another as vice chairman, and shall also elect annually a  
secretary, or a secretary treasurer, who may or may not be a member of the board. The  
chairman, or in his absence, the vice chairman, shall preside at all meetings of the board. In the  
absence of both the chairman and vice chairman, the board shall appoint a chairman pro  
tempore, who shall preside at such meetings. Four directors shall constitute a quorum for the  
transaction of the business of the Authority, and no vacancy in the membership of the board  
shall impair the right of a quorum to exercise all the rights and perform all the duties of the  
Authority. The favorable vote of at least a majority of the members of the board present at any  
meeting is required for the adoption of any resolution or motion or for other official action. The  
members of the board are entitled to the travel expenses, subsistence allowances and  
compensation provided in G.S. 138-5. These expenses and compensation shall be paid from  
funds provided under this Article, or as otherwise provided.~~

(b) Membership. – The Authority shall be governed by a board of directors consisting  
of nine members, seven of whom shall be appointed by the Governor and two of whom shall be  
ex officio. The members shall be as follows:



- 1           (1) Seven members appointed by the Governor, three of whom shall have  
2 expertise in secondary or higher education, two of whom shall have  
3 expertise in finance, one of whom shall be a member of the public at large  
4 with an interest in higher education, and one of whom shall be a chief  
5 financial officer from a college or university that is a member of North  
6 Carolina Independent Colleges and Universities, Inc., appointed upon the  
7 recommendation of North Carolina Independent Colleges and Universities,  
8 Inc.  
9           (2) The chief financial officer of The University of North Carolina shall serve as  
10 an ex officio member.  
11           (3) The chief financial officer of the North Carolina Community College System  
12 shall serve as an ex officio member.

13           (c) Terms. – Members appointed by the Governor shall serve for a term of four years  
14 and until their successors are appointed and duly qualified. Immediately after appointment, the  
15 directors shall enter upon the performance of their duties.

16           (d) Vacancies. – A vacancy in an appointment made by the Governor shall be filled by  
17 the Governor in the same manner as the original appointment for the remainder of the  
18 unexpired term.

19           (e) Removal. – The Governor may remove any member of the board of directors  
20 appointed by the Governor for misfeasance, malfeasance, or nonfeasance.

21           (f) Officers. – The board shall annually elect one of its members as chair and another  
22 as vice-chair and shall also elect annually a secretary, or a secretary-treasurer, who may or may  
23 not be a member of the board. The chair, or in the chair's absence, the vice-chair, shall preside  
24 at all meetings of the board. In the absence of both the chair and vice-chair, the board shall  
25 appoint a chair pro tempore, who shall preside at such meetings.

26           (g) Quorum. – Five directors shall constitute a quorum for the transaction of the  
27 business of the Authority, and no vacancy in the membership of the board shall impair the right  
28 of a quorum to exercise all the rights and perform all the duties of the Authority. The favorable  
29 vote of at least a majority of the members of the board present at any meeting is required for  
30 the adoption of any resolution or motion or for other official action.

31           (h) Expenses. – The members of the board shall receive per diem and allowances as  
32 provided in G.S. 138-5 and G.S. 138-6. These expenses and compensation shall be paid from  
33 funds provided under this Article, or as otherwise provided."

34           **SECTION 2.** Notwithstanding G.S. 116-203, as enacted by Section 1 of this act,  
35 members serving on the board of directors of the North Carolina State Education Assistance  
36 Authority on the effective date of this act may complete the terms for which they were  
37 appointed. When the term of any of the seven members appointed by the Governor expires, the  
38 vacancy shall be filled as follows:

- 39           (1) Of the members appointed by the Governor whose terms expired on January  
40 15, 2010, the Governor shall appoint one member who has expertise in  
41 secondary or higher education and one member who is a chief financial  
42 officer from a college or university that is a member of the North Carolina  
43 Independent Colleges and Universities, Inc., upon the recommendation of  
44 that organization. The terms of these two members shall be deemed to have  
45 begun on January 15, 2010.  
46           (2) Of the members appointed by the Governor whose terms expire on January  
47 15, 2011, the Governor shall appoint one member who has expertise in  
48 secondary or higher education and one member from the public at large who  
49 has an interest in higher education.

- 1           (3)    Of the members appointed by the Governor whose terms expire on January  
2                15, 2012, the Governor shall appoint one member who has expertise in  
3                secondary or higher education and one member who has expertise in finance.  
4           (4)    When the member appointed by the Governor whose term expires on  
5                January 15, 2013, completes that term, the Governor shall appoint a member  
6                who has expertise in finance.

7           Members described in this section shall serve for the terms for which they were  
8   appointed and until their successors are appointed and qualified.

9           **SECTION 3.** This act is effective when it becomes law.





## HOUSE BILL 1884: Amend SEAA Board Membership

2009-2010 General Assembly

<b>Committee:</b>	House Education, if favorable, State Government/State Personnel	<b>Date:</b>	June 4, 2010
<b>Introduced by:</b>	Rep. Rapp	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

**SUMMARY:** *House Bill 1884 would amend the composition of, number of, and process for removing the members on the board of directors of the State Education Assistance Authority. The bill is a recommendation of the Joint Select Committee on State Funded Student Financial Aid.*

[As introduced, this bill was identical to S1323, as introduced by Sen. Stevens, which is currently in Senate Education/Higher Education.]

**CURRENT LAW:** G.S. 116-203 currently provides that the board of directors (board) of the State Education Assistance Authority shall be composed of seven members, all of whom shall be appointed by the Governor to serve four-year terms. There are no specific criteria or categories of membership for the board members and the board members shall be subject to removal from office in the same manner as State, county, town and district officers.

**BILL ANALYSIS:** House Bill 1884 would increase the number of board members from seven to nine. The bill changes the composition of the membership of the board by providing that while the Governor shall continue to appoint seven members, two must have expertise in finance, three must have expertise in secondary or higher education, one must be a public member with an interest in higher education, and one must be a chief financial officer from an independent college or university that is a member institution of the North Carolina Independent Colleges and Universities, Inc., appointed upon recommendation of that organization. A gubernatorial appointment continues to be for a four year term or until a successor is appointed and duly qualified. The bill further changes the composition of the board membership by adding two ex officio members: the chief financial officer of The University of North Carolina and the chief financial officer of the North Carolina Community College System.

The bill also changes the method for removing appointed members from the board. The current law provides no further detail as to which State, county, town, or district officers are to be the model for removal so the bill provides instead that the Governor may remove any appointee from the board for misfeasance, malfeasance, or nonfeasance.

The bill provides that members currently on the board may complete the terms for which they were appointed. Gubernatorial appointments for successors to the current members must satisfy the membership criteria and categories set out in the bill.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**BACKGROUND:** House Bill 1884 is a recommendation of the Joint Select Committee on State Funded Student Financial Aid. The Committee heard that although the current law has no specific criteria or categories for the board members; of the seven members currently serving on the board, two have expertise in finance and five have expertise in education.

With regard to the expiration of the terms of members currently serving on the board, there are two terms that expired on January 15, 2010, two terms expire on January 15, 2011, two terms expire on January 15, 2012, and one term expires on January 15, 2013. The vacancies for the terms that expired on January 15, 2010, have not yet been filled; therefore, the two members who were appointed to those slots continue to serve until successors for those slots are appointed.

H1884-SMRJ-112(e1) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
June 9, 2010

The House Committee on Education met at 4:00 p.m. on Wednesday, June 9, 2010 at the end of session, around the desk of Chairman Bell in the House Chamber of the Legislative Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Fisher and Love; **Members:** Adams, Alexander, Avila, Blackwell, Carney, Cleveland, Dollar, E. Floyd, Gill, Iler, Insko, Jackson, Langdon, McCormick, McElraft, McLawhorn, Mills, Parfitt, Stewart, Tarleton, E. Warren, and Wilkins.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistant:** Carolyn Edwards.

The Agenda, Committee Meeting Notice, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and the following bill was before the committee:

**HB 636 – A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.**

**Representative Tarleton** explained the bill stating that currently, the local boards of Ashe, Avery, and Watauga counties have reported more than 20 days missed due to inclement weather during the 2009-2010 school year.

HB 636 had been returned to the House for concurrence with Senate changes. The 3<sup>rd</sup> edition of HB 636 would create an exception to the required time for instruction for local school administrative units or charter schools that missed more than 20 instructional days during the 2009-2010 school year due to inclement weather, by providing that a school calendar under those circumstances would include either 180 days or 1,000 hours of instruction.

HB 636 would provide that local boards of education that comply with this exception by scheduling 1,000 hours on less than 180 days due to inclement weather are deemed to have a minimum of 180 days of instruction, and employees must be compensated accordingly.

The bill would apply only to local school administrative units and charter schools that missed more than 20 instructional days due to inclement weather in the 2009-2010 school year.

**Representative McCormick** moved for a recommendation that the House do concur for HB 636. There was unanimous consent by the Education Committee.

**Chairman Bell** adjourned the meeting at 4:17 p. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

**IMMEDIATELY AFTER SESSION  
AROUND REPRESENTATIVE BELL'S DESK  
(SEAT 12)**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Wednesday, June 9, 2010

**TIME:**

**LOCATION:**

**COMMENTS: IMMEDIATELY AFTER SESSION/**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 636	School Calendar Flexibility/Inclement Weather.	Representative Haire

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
**2:30 P.M. on June 09, 2010.**

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

**June 9, 2010**

**4:00 P.M.**

**House Chamber**

**Around the Desk of Representative Bell**

**Seat 12**

**Representative Bell**

**Presiding Chair**

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 636	School Calendar Flexibility/Inclement Weather.	Representative Haire

### **ADJOURNMENT**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**3**

**HOUSE BILL 636**

**Committee Substitute Favorable 4/16/09**

**Senate Education/Higher Education Committee Substitute Adopted 6/2/10**

Short Title: School Calendar Flexibility/Inclement Weather.

(Public)

Sponsors:

Referred to:

March 18, 2009

A BILL TO BE ENTITLED  
AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL  
FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO  
INCLEMENT WEATHER.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 115C-84.2(a)(1) reads as rewritten:

"(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

(1) A minimum of either 180 days and-or 1,000 hours of instruction covering at least nine calendar months. The local board shall designate when the 180 instructional days or 1,000 hours shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

If, due to inclement weather, a local board of education complies with this subdivision by scheduling 1,000 hours of instruction on less than 180 days, the local school administrative unit is deemed to have a minimum of 180 days of instruction, teachers employed for a 10-month term are deemed to have been employed for 180 instructional days, and all other employees shall be compensated as if they had worked their regularly scheduled hours for 180 instructional days."

**SECTION 1.(b)** This section applies only to local school administrative units that missed more than 20 instructional days during the 2009-2010 school year due to inclement weather.

**SECTION 2.(a)** G.S. 115C-238.29F(d)(1) reads as rewritten:

"(1) The school shall provide instruction each year for ~~at least 180 days~~ a minimum of either 180 days or 1,000 hours of instruction covering at least nine calendar months."



\* H 6 3 6 - V - 3 \*

- 1           **SECTION 2.(b)** This section applies only to charter schools that missed more than
- 2 20 instructional days during the 2009-2010 school year due to inclement weather.
- 3           **SECTION 3.** This act is effective when it becomes law and applies only to the
- 4 2009-2010 school year.



# HOUSE BILL 636: School Calendar Flexibility/Inclement Weather

2009-2010 General Assembly

Committee: House Education  
Introduced by: Rep. Haire  
Analysis of: Third Edition

Date: June 9, 2010  
Prepared by: Kara McCraw  
Committee Counsel

**SUMMARY:** *HB 636 has been returned to the House for concurrence with Senate changes.*

*The 3<sup>rd</sup> Ed. of HB 636 would create an exception to the required time for instruction for local school administrative units or charter schools that missed more than 20 instructional days during the 2009-2010 school year due to inclement weather, by providing that a school calendar under those circumstances would include either 180 days or 1,000 hours of instruction.*

*HB 636 would provide that local boards of education that comply with this exception by scheduling 1,000 hours on less than 180 days due to inclement weather are deemed to have a minimum of 180 days of instruction, and employees must be compensated accordingly.*

*The bill would apply only to local school administrative units and charter schools that missed more than 20 instructional days due to inclement weather in the 2009-2010 school year, and would apply only to the 2009-2010 school year.*

**CURRENT LAW:** G.S. 115C-84.2 (a)(1) requires that a school calendar must include a minimum of 180 days and 1000 hours of instruction covering at least nine calendar months. The school calendar must also include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

G.S. 115C-238.29F (d)(1) requires charter schools to provide instruction each year for at least 180 days.

**BILL ANALYSIS:** HB 636 would give flexibility to make up instructional days missed due to inclement weather during the 2009-2010 school year. Local school administrative units (LEAs) that have missed more than 20 instructional days would be authorized to schedule either 180 days or 1,000 hours of instruction rather than 180 days and 1,000 hours of instruction. Local boards that have missed more than 20 instructional days and that schedule 1,000 hours of instruction on less than 180 days due to inclement weather are deemed to have 180 days of instruction and employees must be compensated accordingly.

Charter schools that have missed more than 20 instructional days would be exempt from their requirement to provide 180 days of instruction for the 2009-2010 school year, but instead would be required to provide a minimum of 180 days or 1,000 hours of instruction covering at least nine calendar months.

**EFFECTIVE DATE:** The act would become effective when it becomes law and would apply only to the 2009-2010 school year.

**BACKGROUND:** Currently, the local boards of Ashe, Avery, and Watauga counties have reported more than 20 days missed due to inclement weather during the 2009-2010 school year.

Beginning in 1943, North Carolina statutes have required a 180 day public school year. Prior to 2004, local boards of education determined the opening and closing dates of the school year, with no dates specified in statute. S.L. 2004-180 amended the statute to establish August 25<sup>th</sup> as the earliest school start date and June 10<sup>th</sup> as the latest school closing date for students. The State Board may waive this requirement on a showing of good cause. "Good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations. A number of local school administrative units had "good cause" waivers for the 2009-2010 school year.

*\*This bill summary was substantially contributed to by Dr. Shirley Iorio, Legislative Analyst.*



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ Committee Substitute for

**HB 636** A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

☒ With recommendation that the House concur.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**HOUSE EDUCATION COMMITTEE**  
**Room 643 LOB**  
**Co-Chairs, Representatives Larry Bell and Marvin W. Lucas**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, June 15, 2010**

**Representative Lucas declared a quorum, called the meeting to order and thanked everyone for coming. The House Pages and Sergeant-at-Arms were introduced, along with committee clerks and staff. Member attendance is attached.**

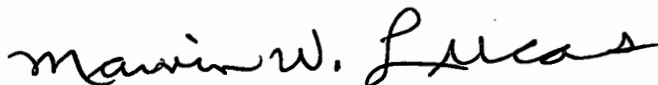
**HB 1879 – Study Raising Compulsory Attendance Age sponsored by Representative Parmon and she explains the bill. There were comments and questions by Representatives Womble, Dollar, Bryant, E. Floyd, Avila, Stam, Tarleton, and Bell. Representative Womble moves for a favorable report and to be referred to the Committee on Rules, Calendar and Operation of the House. The committee concurs and the motion passes.**

**HB 1826 – SBOE Members Ex Officio to Economic Development Commission sponsored by Representative Yongue. There is a PCS and Representative Bell moves that the PCS is properly before the committee. Representative Yongue is unable to be here today and Representative Braxton explains the bill. There were comments and questions by Representatives Carney and Wilkins. Representative Carney moves for a favorable report to the PCS, unfavorable to the original bill, and to be referred to the Committee on Commerce. The committee concurs and the motion passes.**

**SB 740 – Reinstatement of Sick Leave/School Employees sponsored by Senator Malone. Representative Womble moves that the PCS is properly before the committee and Representatives Tolson and Love explains the bill. There were comments and questions by Representatives Folwell, Womble, Dollar, Avila, Dockham, Glazier, Tarleton, E. Floyd, McCormick, Cleveland, B.-Floyd, and Johnson. Representative Tarleton moves for a favorable report to the PCS, unfavorable to the original bill, with a serial referral to Committee on Appropriations.**

**Meeting adjourned at 11:41 a.m.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 15, 2010

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1826	SBOE Members Ex Officio to Econ. Dev. Comm.	Representative Yongue
HB 1879	Study Raising Compulsory Attendance Age.	Representative Parmon Representative Bryant Representative Hurley Representative Hall
HB 1996	Comm. Coll. President Salary Cap Clarified.	Representative Love, Sr. Representative Tolson
HB 2029	Amend Tenure Law Re: Teacher RIFs.	Representative Cotham Representative Glazier Representative Blackwell Representative Jackson

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
14 o'clock on **June 10, 2009.**

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1669\*

Short Title: Require Use EVAAS in Schools. (Public)

Sponsors: Representatives McLawhorn, Fisher, Lucas, Tolson (Primary Sponsors);  
Adams, M. Alexander, Gill, Glazier, Hughes, Tarleton, and Whilden.

Referred to: Education.

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE SCHOOL IMPROVEMENT TEAMS TO USE EVAAS OR A  
COMPATIBLE SYSTEM TO COLLECT DIAGNOSTIC INFORMATION ON  
STUDENTS AND TO USE THAT INFORMATION TO IMPROVE STUDENT  
ACHIEVEMENT AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION  
OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.27(a) reads as rewritten:

**"§ 115C-105.27. Development and approval of school improvement plans.**

(a) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.35 and the goals set out in the mission statement for the public schools adopted by the State Board of Education. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants shall be elected by their respective groups by secret ballot. Unless the local board of education has adopted an election policy, parents shall be elected by parents of children enrolled in the school in an election conducted by the parent and teacher organization of the school or, if none exists, by the largest organization of parents formed for this purpose. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation.

All school improvement plans shall be, to the greatest extent possible, data-driven. School improvement teams shall use the Education Value Added Assessment System (EVAAS) or a compatible system, to analyze student data to identify root causes for problems and to determine actions to address them. School improvement plans shall contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting the measurement standards."

**SECTION 2.** This act is effective when it becomes law.



\* H 1 6 6 9 - V - 1 \*



CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1669\*

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H1669-ARQ-32 [v.1]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [YES]  
First Edition

Date 6-22 2010

Senator Davis

1 moves to amend the bill on page 1, lines 3-6 by rewriting the lines to read:

2  
3 "COMPATIBLE AND COMPARABLE SYSTEM APPROVED BY THE STATE BOARD  
4 OF EDUCATION TO COLLECT DIAGNOSTIC INFORMATION ON STUDENTS AND TO  
5 USE THAT INFORMATION TO IMPROVE STUDENT ACHIEVEMENT."; and

6  
7 On page 1, line 31 by rewriting the line to read:

8 "compatible and comparable system approved by the State Board of Education, to analyze  
9 student data to identify root causes for problems and to".

10  
11  
SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

48-0

FAILED

TABLED

6-22-10

Janet Pinat

ADOPTED



\* H 1 6 6 9 - A R Q - 3 2 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1669** A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL IMPROVEMENT TEAMS TO USE EVAAS OR A COMPATIBLE SYSTEM TO COLLECT DIAGNOSTIC INFORMATION ON STUDENTS AND TO USE THAT INFORMATION TO IMPROVE STUDENT ACHIEVEMENT AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With recommendation that the House concur.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

D

HOUSE BILL 1757\*  
Committee Substitute Favorable 6/9/10  
PROPOSED COMMITTEE SUBSTITUTE H1757-PCS80647-RJ-42

Short Title: Fitness Testing in Schools.

(Public)

Sponsors:

Referred to:

May 18, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP  
3 GUIDELINES FOR PUBLIC SCHOOLS TO USE EVIDENCE-BASED FITNESS  
4 TESTING FOR STUDENTS STATEWIDE IN GRADES KINDERGARTEN THROUGH  
5 EIGHT, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON  
6 CHILDHOOD OBESITY.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 115C-12 is amended by adding a new subdivision to read:  
9 "§ 115C-12. Powers and duties of the Board generally.

10 The general supervision and administration of the free public school system shall be vested  
11 in the State Board of Education. The State Board of Education shall establish policy for the  
12 system of free public schools, subject to laws enacted by the General Assembly. The powers  
13 and duties of the State Board of Education are defined as follows:

14 ...  
15 (37) To Adopt Guidelines for Fitness Testing. – The State Board of Education  
16 shall adopt guidelines for the development and implementation of  
17 evidence-based fitness testing for students statewide in grades kindergarten  
18 through eight."

19 SECTION 2. This act is effective when it becomes law. Implementation of the  
20 guidelines developed as required in Section 1 of this act shall begin with the 2011-2012 school  
21 year.



\* H 1 7 5 7 - P C S 8 0 6 4 7 - R J - 4 2 \*



## HOUSE BILL 1757: Fitness Testing in Schools

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Reps. Insko, Bell, Rapp, Yongue  
**Analysis of:** Second Edition

**Date:** June 28, 2010  
**Prepared by:** Sara Kamprath  
Legislative Analyst

**SUMMARY:** *House Bill 1757 would direct the State Board of Education to adopt guidelines for the development and implementation of evidence-based fitness testing for students in grades K-8.*

[As introduced, this bill was identical to S1296, as introduced by Sen. Dannelly, which is currently in Senate Education/Higher Education.]

**EFFECTIVE DATE:** This act is effective when it becomes law. Implementation of the guidelines is to begin with the 2011-2012 academic school year.

**BACKGROUND:** House Bill 1757 is a recommendation of the Task Force on Childhood Obesity. In its report to the 2010 General Assembly, the Task Force found that current research demonstrates a parallel between healthy students and academic performance, and the need to encourage increased activity in students. The Task Force found that NC DPI has a current partnership with the North Carolina Alliance for Athletics, Health, Physical Education, Recreation, and Dance (NCAAHPERD) to provide the In-School Prevention of Obesity and Disease (IsPOD) program. This program, which targets students in grades K-8 has received \$3.5 million in funding from the Kate B. Reynolds Charitable Trust for a four-year funding cycle ending in 2012. Sixty-five LEAs and six charter schools have participated in IsPOD training, including conducting FITNESSGRAM testing which measures muscular strength, muscular endurance, flexibility, cardio-vascular endurance, and body mass index (BMI).

The Task Force recommended that the General Assembly enact legislation to mandate the use of evidence-based fitness testing for students statewide in all K through 8 schools by the 2011-2012 school year.

H1757-SMRJ-122(e2) v1



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**2**

**HOUSE BILL 1757\*  
Committee Substitute Favorable 6/9/10**

Short Title: Fitness Testing in Schools.

(Public)

Sponsors:

Referred to:

May 18, 2010

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP  
3 GUIDELINES TO REQUIRE PUBLIC SCHOOLS TO USE EVIDENCE-BASED  
4 FITNESS TESTING FOR STUDENTS STATEWIDE IN GRADES K THROUGH 8, AS  
5 RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD  
6 OBESITY.  
7 The General Assembly of North Carolina enacts:  
8 **SECTION 1.** G.S. 115C-12 is amended by adding a new subdivision to read:  
9 **"§ 115C-12. Powers and duties of the Board generally.**  
10 The general supervision and administration of the free public school system shall be vested  
11 in the State Board of Education. The State Board of Education shall establish policy for the  
12 system of free public schools, subject to laws enacted by the General Assembly. The powers  
13 and duties of the State Board of Education are defined as follows:  
14 ...  
15 (37) To Adopt Guidelines for Fitness Testing. – The State Board of Education  
16 shall adopt guidelines for the development and implementation of  
17 evidence-based fitness testing for students statewide in grades kindergarten  
18 through eight."  
19 **SECTION 2.** This act is effective when it becomes law. Implementation of the  
20 guidelines developed as required in Section 1 of this act shall begin with the 2011-2012 school  
21 year.





**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
House Bill 1757\*

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H1757-ASQ-127 [v.1]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2010

Representative Insko

- 1 moves to amend the bill on page 1, line 3, rewriting the line to read:
- 2 " GUIDELINES FOR PUBLIC SCHOOLS TO USE EVIDENCE-BASED".
- 3
- 4
- 5

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_



\* H 1 7 5 7 - A S Q - 1 2 7 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute # 2 for

**HB 1757**

A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP GUIDELINES TO REQUIRE PUBLIC SCHOOLS TO USE EVIDENCE-BASED FITNESS TESTING FOR STUDENTS STATEWIDE IN GRADES K THROUGH 8, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report as to Committee substitute bill 2, which changes the title, unfavorable as to Committee Substitute Bill 1.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

HOUSE PAGES

Education

NAME OF COMMITTEE \_\_\_\_\_

DATE 6/15/10

1. Name: Daniel Hale

Carolyn Edwards  
Thelma Utley

County: Orange

Sponsor: Verla Insko

2. Name: Zachy Girmey

County: Gaston

Sponsor: Wil Neumann

3. Name: Lydia Parker

County: Orange

Sponsor: Joe Hackney

4. Name: Katie Kimble

County: Wayne

Sponsor: Sager

5. Name: Rebecca Hawthorne

County: Wake

Sponsor: England

SGT-AT-ARMS

1. Name: MARVIN LEE

2. Name: MARTHA PARRISH

3. Name: JUDY TURNER

4. Name: TREY RALEY

JOHN BRANOW

# VISITOR REGISTRATION SHEET

EDUCATION

June 15, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Drew Jones	House Intern - Rep. Tarleton
Loree Stallard	Rep. Ross' Office
Hoel Wiesner	"
Christopher Hill	NC Justice Center
Louisa Warren	"
Bob Thompson	Committee of NC's Children
Dick Carlton	att'y at law
Abby Perkins	Perkins Law Firm
Joe Royall	NC Family Policy Council
John Eick	JWP Civitas Institute
Jonah Fanson	Intern to Rep. Luebke
Gene Carlsby	KICS
Julia Adams	The Arc of NC
Pam Mays	

# VISITOR REGISTRATION SHEET

EDUCATION

June 15, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Annaliese Ralph	ORNE
<del>Jeffery Walsh</del>	GAIO
W. M. L. L. L.	UCICU
Jackson Miller	NC DPI
ADAM LEVINSON	U
Phil Price	DOJ
Jim Stegall	UCPS
Emily Doyle	NCPADA
Ann Hamer	WCPSS
Leanne Wimer	WCSBA
Katherine Gayce	NCASA
Chris Hawthorne	

# VISITOR REGISTRATION SHEET

EDUCATION

June 15, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Andrew Cagle	OLC + Assoc.
Matt Hall	TPG
Mike McLaughlin	Lt. Governor's Office
Seth Palmer	Offc. of Lt Governor
Steve Brewer	CenturyLink
Margaret Stacy	Covenant w/NC's Children
Jennifer Mahan	318 Glaston Ct Apex NC
Rum Mahan	CenturyLink

# VISITOR REGISTRATION SHEET

EDUCATION

June 15, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

MATTHEW DAVIS	NAAC, 6131 Sabine Dr, Fay, N.C. 28313
JAMES BANKS	NCAE 5483 LAZYBROOK CT Fay, NC 28311
Carolyn Banks	NCAE, 5483 LAZYBROOK CT Fay, NC 28311
Lillie Ford	Local 984 APWU 426 Raeford, Po, Fay, NC 28303
Rhonda Childress	Local 984 APWU 2065 Loganberry Dr, Fay, NC 28304
Andrea BURNS	NCAE 5045 Arcilla Street PO Box 969 Hope Mills NC 28348
Carol Stubbs	4738 ROSE Hill Rd NCAE Fay NC 28311
James Woods	NCAE 5338 Harding Dr Hope Mills 28348
Carrol Olinger	NCAE 5338 Harding Dr Hope Mills 28348
Leon Olinger	NCAE APWU 5338 Harding Dr Hope Mills, 28348
Theresa McNair	Cumberland County Schools - CCAE





# VISITOR REGISTRATION SHEET

EDUCATION

June 15, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tony D. McKinnon, Sr	Greater Central Labor Council - Cumberland Co American Postal Workers Union 611 Longwood Rd Fayetteville, NC 28314
Sage Boyd	intern - Rep. Martin
Mike Tarrant	UNC G
Junia Willis	NCLC
Erin Schwappely	UNC - GA
Austin Rouse	intern - Sen. Nesbitt
Pam Silberman	NC Inst. of Medicine
Lauren Short	NC INSTA. of Medicine
Paul Mandzager	NC Inst. of Medicine
Mitch Kokai	John Locke Foundation
Jeff Smith Mark Stroupe	UNC - TV

**Corrected Notice Remove HB 1996, and HB 2029  
add SB 740**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 15, 2010

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1826	SBOE Members Ex Officio to Econ. Dev. Comm.	Representative Yongue
HB 1879	Study Raising Compulsory Attendance Age.	Representative Parmon Representative Bryant Representative Hurley Representative Hall
HB 1996	<del>Comm. Coll. President Salary Cap Clarified.</del>	<del>Representative Love, Sr. Representative Tolson</del>
HB 2029	<del>Amend Tenure Law Re: Teacher RIFs.</del>	<del>Representative Cotham Representative Glazier Representative Blackwell Representative Jackson</del>
SB 740	Reinstatement of Sick Leave/School Employees.	Senator Malone

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
10 o'clock on **June 14, 2010**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, June 15, 2010**

**11:00 am**

**643 LOB**

**Representatives Larry Bell and Marvin W. Lucas, Chairs**  
**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

HB 1879 Study Raising Compulsory  
Attendance Age.

Representative Parmon  
Representative Bryant  
Representative Hurley  
Representative Hall

SB 740 Reinstatement of Sick  
Leave/School Employees.

Senator Malone

HB 1826 SBOE Members Ex Officio to  
Econ. Dev. Comm.

Representative Yongue

**Adjournment**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1879\***

**Short Title:** Study Raising Compulsory Attendance Age. (Public)

**Sponsors:** Representatives Parmon, Bryant, Hurley, Hall (Primary Sponsors); M. Alexander, Bell, Bordsen, Carney, Current, Dollar, Earle, Faison, Farmer-Butterfield, Fisher, E. Floyd, Gill, Harrison, Hughes, Insko, Lucas, Mobley, Pierce, Randleman, Tarleton, Wainwright, and Womble.

**Referred to:** Education, if favorable, Rules, Calendar, and Operations of the House.

May 20, 2010

**A BILL TO BE ENTITLED**

**AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A BLUE RIBBON TASK FORCE TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The State Board of Education shall establish a Blue Ribbon Task Force to study the impacts of raising the compulsory public school attendance age prior to completion of a high school diploma from 16 to 17 or 18. In its study, the Board of Governors shall consider all of the following:

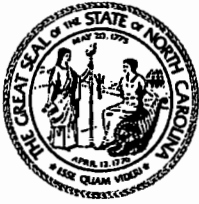
- (1) What impacts, including fiscal impacts, has raising the compulsory school attendance age had in states which have raised the compulsory school attendance age in the last 15 years.
- (2) What conclusions can be drawn as to the impact the compulsory school attendance age has made in the dropout and high school completion rates for states who require compulsory school attendance to ages 16, 17, and 18, respectively.
- (3) What best practices for working with at-risk populations of students who remain in school have been employed in states that have raised the compulsory attendance age in the last 15 years.
- (4) What would be the fiscal impact in raising the compulsory school attendance age from 16 to 17 and 16 to 18, respectively, for each local administrative school unit in North Carolina.

**SECTION 2.** No later than November 15, 2010, the State Board of Education shall submit a report of its study to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee, including its findings and recommendations.

**SECTION 3.** This act is effective when it becomes law.



\* H 1 8 7 9 - V - 1 \*



## HOUSE BILL 1879: Study Raising Compulsory Attendance Age

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	June 11, 2010
<b>Introduced by:</b>	Reps. Parmon, Bryant, Hurley, Hall	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

---

**SUMMARY:** House Bill 1879 would direct the State Board of Education to establish a Blue Ribbon Task Force to study the impacts of raising the compulsory school attendance age to age 17 or age 18. The State Board of Education would report to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee by November 15, 2010.

[As introduced, this bill was identical to S1249, as introduced by Sen. Davis, which is currently in Rules and Operations of the Senate.]

**CURRENT LAW:** G.S. 115C-378 requires compulsory school attendance in North Carolina for all children between the ages of 7 and 16.

**BILL ANALYSIS:** House Bill 1879 would direct the State Board of Education to establish a Blue Ribbon Task Force to study the impact of raising the compulsory school attendance age in North Carolina from age 16 to age 17 or 18. The study must consider the following:

- The impacts (including fiscal) from raising the compulsory school attendance age that have resulted in other states that have raised their compulsory school attendance age in the last 15 years.
- The conclusions that can be drawn as to the impacts the compulsory school attendance age have made in the dropout and high school completion rates for states who require compulsory school attendance to ages 16, 17, and 18 respectively.
- The best practices for working with at-risk populations of students who remain in school that have been used by states that have raised their compulsory school attendance age in the last 15 years.
- The fiscal impact in raising the compulsory school attendance age from 16 to 17 and 16 to 18 respectively, for each local school administrative unit in North Carolina.

The State Board of Education would be required to submit a report of its study, including its findings and recommendations, to the Joint Legislative Commission on Dropout Prevention and High School Graduation and the Joint Legislative Education Oversight Committee by November 15, 2010.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** House Bill 1879 is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation.

According to an April 2009 survey by the Education Commission of the States, 8 states have a compulsory attendance age of 17 and 19 states have a compulsory attendance age of 18.

H1879-SMRJ-115(e1) v2



## HOUSE BILL 1879: Study Raising Compulsory Attendance Age

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	June 11, 2010
<b>Introduced by:</b>	Reps. Parmon, Bryant, Hurley, Hall	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

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- The best practices for working with at-risk populations of students who remain in school that have been used by states that have raised their compulsory school attendance age in the last 15 years.
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According to an April 2009 survey by the Education Commission of the States, 8 states have a compulsory attendance age of 17 and 19 states have a compulsory attendance age of 18.

H1879-SMRJ-115(e1) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**HB 1879**            AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A BLUE RIBBON TASK FORCE TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

D

**SENATE BILL 740  
Education/Higher Education Committee Substitute Adopted 4/8/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S740-PCS85339-SF-54**

Short Title:   Flex. in Setting Salary/Comm. Coll. Pres.

(Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED  
AN ACT TO GIVE COMMUNITY COLLEGE BOARDS ADDITIONAL FLEXIBILITY IN  
SETTING THE SALARY OF COMMUNITY COLLEGE PRESIDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-5(a) reads as rewritten:

"(a) The State Board of Community Colleges may adopt and execute such policies, regulations and standards concerning the establishment, administration, and operation of institutions as the State Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

The State Board of Community Colleges shall establish standards and scales for salaries and allotments paid from funds administered by the State Board, and all employees of the institutions shall be exempt from the provisions of the State Personnel Act. Any and all salary caps set by the State Board for community college presidents shall apply only to the State-paid portion of the salary. The State Board shall have authority with respect to individual institutions: to approve sites, capital improvement projects, budgets; to approve the selection of the chief administrative officer; to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates; to establish and regulate student tuition and fees within policies for tuition and fees established by the General Assembly; and to establish and regulate financial accounting procedures.

The State Board of Community Colleges shall require all community colleges to meet the faculty credential requirements of the Southern Association of Colleges and Schools for all community college programs."

**SECTION 2.** This act becomes effective July 1, 2010.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 740  
Education/Higher Education Committee Substitute Adopted 4/8/09

Short Title: Reinstatement of Sick Leave/School Emp'ees.

(Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR  
PUBLIC SCHOOL EMPLOYEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-336 is amended by adding a new subsection to read:

"(d) The State Board of Education shall adopt rules relating to the reinstatement of unused sick leave when an employee who was employed on a 10-month contract at the time of separation returns to employment on a 10-month contract. Under these rules, the maximum period of separation after which unused sick leave is reinstated shall be three calendar months longer for school personnel employed on a 10-month contract than for school personnel employed on a 12-month contract."

SECTION 2. This act becomes effective July 1, 2009.



\* S 7 4 0 - V - 2 \*



## SENATE BILL 740: Flex. in Setting Salary/Comm. Coll. Pres.

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	June 11, 2010
<b>Introduced by:</b>	Sen. Malone	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	PCS to Second Edition S740-CSSF-54		Legislative Analyst

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**SUMMARY:** *The PCS for Senate Bill 740 would prohibit the State Board of Community Colleges from setting any salary caps on the non-State portion of the salary paid to a community college president.*

**CURRENT LAW:** G.S. 115D-5(a) requires the State Board of Community Colleges to establish standards and scales for salaries paid from funds that are administered by the State Board.

**BILL ANALYSIS:** The PCS for Senate Bill 740 provides that any caps on the salary for community college presidents set by the State Board of Community Colleges would apply only to the portion of the salary paid from State funds.

**EFFECTIVE DATE:** The bill is effective July 1, 2010.

S740-SMRJ-116(CSSF-54) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ Committee Substitute for

**SB 740** A BILL TO BE ENTITLED AN ACT RELATING TO THE  
REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

☒ With a favorable report as to House committee substitute bill, which changes the title,  
unfavorable as to Senate committee substitute bill and recommendation that the House committee  
substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_. Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



## HOUSE BILL 1826: SBOE Members Ex Officio to Econ. Dev. Comm

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Commerce, Small Business, and Entrepreneurship	<b>Date:</b>	June 15, 2010
<b>Introduced by:</b>	Rep. Yongue	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	PCS to First Edition H1826-CSTC-75		Committee Counsel

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**SUMMARY:** *HB 1826 would add the State Board of Education members who represent the eight education regions as ex officio, non-voting members of the Commission for each of the seven economic development regions.*

*The PCS makes a technical correction to refer to the correct section being amended in Section 2.*

[As introduced, this bill was identical to S1244, as introduced by Sen. Swindell, which is currently in Senate Education/Higher Education.]

### CURRENT LAW:

#### Economic Development Commissions

Currently there are seven regional economic development commissions in North Carolina. Economic development commissions have the power to formulate projects for carrying out economic development programs received from planning boards in the area, conduct surveys, advertise, and furnish advice and assistance to business and industry, encourage the formation of private business development corporations to carry out such projects, and use grant funds to make loans permitted by the federal government.

Four of these regional economic development commissions are created by statute as follows:

- G.S. 158-8.1 creates the **Western North Carolina Regional Economic Development Commission**, which included Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties.
- G.S. 158-8.2 creates the **North Carolina's Northeast Commission**, which includes Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrell and Washington Counties.
- G.S. 158-8.3 creates the **Southeastern North Carolina Regional Economic Development Commission** which includes Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties.
- G.S. 158-35 creates the **Commission for North Carolina's Eastern Region**, which includes Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Nash, Onslow, Pamlico, Pitt, Wayne, and Wilson.

Three of the regional economic development commissions have been created by local governments in those regions, as authorized by G.S. 158-8. They are as follows:

- **Charlotte Regional Partnership, Inc.**, which includes Alexander, Anson, Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union Counties.
- **Piedmont Triad Partnership**, which includes Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties.
- **Research Triangle Regional Partnership**, which includes Chatham, Durham, Franklin, Granville, Harnett, Johnston, Lee, Moore, Orange, Person, Vance, Wake, and Warren Counties.

# House Bill 1826

Page 2

As a condition for receipt of State funds, these regional economic development commissions are required to comply with certain annual reporting requirements and other uniform standards.

## State Board of Education

Article IX, Section 4 of the North Carolina Constitution requires the Governor to appoint 11 members to the State Board of Education. One member must be appointed from each of the eight education districts and three members are appointed at large. G.S. 115C-68 divides the State into the following 8 Education Districts:

**District 1:** Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

**District 2:** Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, Wayne.

**District 3:** Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Nash, Northampton, Vance, Wake, Warren, Wilson.

**District 4:** Bladen, Columbus, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, Robeson, Scotland.

**District 5:** Alamance, Caswell, Chatham, Davidson, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes.

**District 6:** Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Stanly, Union.

**District 7:** Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, Yadkin.

**District 8:** Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey.

**BILL ANALYSIS:** HB 1826 would make the State Board of Education members representing the following education districts ex officio non-voting members of the following economic development commissions.

- Education District 1: North Carolina's Northeast Commission
- Education District 2: North Carolina's Eastern Region
- Education District 3: Research Triangle Regional Partnership
- Education District 4: Southeastern North Carolina Regional Economic Development Commission
- Education District 5: Piedmont Triad Partnership
- Education District 6: Charlotte Regional Partnership, Inc.
- Education Districts 7 and 8: Western North Carolina Regional Economic Development Commission

For the three economic development regions not created in statute, SB 1244 makes inclusion of the State Board of Education member as an ex officio non-voting member on the Commission a condition for the receipt of State funds.

**EFFECTIVE DATE:** HB 1826 would become effective when it becomes law.

**BACKGROUND:** HB 1826 is a recommendation of the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission.

H1826-SMTC-151(CSTC-75) v1

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

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HOUSE BILL 1826\*  
PROPOSED COMMITTEE SUBSTITUTE H1826-CSTC-75 [v.1]

6/14/2010 1:11:44 PM

Short Title: SBOE Members Ex Officio to Econ. Dev. Comm.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 158-8.1 reads as rewritten:

**"§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Seven members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

..."

**SECTION 2.** G.S. 158-8.2 reads as rewritten:

**"§ 158-8.2. Creation of North Carolina's Northeast Commission.**

(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford,



\* H 1 8 2 6 - C S T C - 7 5 - V - 1 \*

Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

(b1) The member of the State Board of Education appointed to represent the first education district shall serve as a nonvoting ex officio member of the Commission.

..."

**SECTION 3. G.S. 158-8.3 reads as rewritten:**

**"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.**

(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 15 members appointed as follows:

(1) Three members shall be appointed by the Governor;

(2) Two members shall be appointed by the Lieutenant Governor;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and

(4) Five members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The member of the State Board of Education appointed to represent the fourth education district shall serve as a nonvoting ex officio member of the Commission.

..."

**SECTION 4. Article 2 of Chapter 158 of the General Statutes is amended by adding a new section to read:**

**"§ 158-8.4A. State Board of Education Members as Ex Officio Commission Members.**

As a condition on the receipt of State funds, the member of the State Board of Education appointed to represent the designated education district shall serve as a member of the following Commissions:

(a) Charlotte Regional Partnership, Inc. – The State Board of Education member appointed to represent the sixth education district shall serve as a nonvoting ex officio member of the Commission.

(b) Piedmont Triad Regional Partnership. – The State Board of Education member appointed to represent the fifth education district shall serve as a nonvoting ex officio member of the Commission.

(c) Research Triangle Regional Partnership. – The State Board of Education member appointed to represent the third education district shall serve as a nonvoting ex officio member of the Commission."

**SECTION 5. G.S. 158-35 reads as rewritten:****"§ 158-35. Commission membership, officers, compensation.**

(a) **Commission Membership.** – The governing body of the Region is the Commission. The members of the Commission must be residents of the Region and shall be appointed as follows:

(1) The board of commissioners of each county participating in the Region shall, in consultation with the county's local business community, appoint one member.

(2) (3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.

(4) The General Assembly shall appoint two members to the Commission on the recommendation of the Speaker of the House of Representatives and two members on the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Governor shall appoint two members to the Commission. No two members appointed under this subdivision may be residents of the same county. The President Pro Tempore of the Senate, Speaker of the House of Representatives, and the Governor shall consult to assist in geographic diversity in those six appointments. In order to be eligible for appointment under this subdivision, a person must be a resident of the region. No person appointed under this subdivision is eligible to be chairperson or vice-chairperson.

(a1) Ex Officio Member. – The member of the State Board of Education appointed to represent the second education district shall serve as a nonvoting ex officio member of the Commission.

..."

**SECTION 6. This act is effective when it becomes law.**



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**1**

**HOUSE BILL 1826\***

**Short Title:** SBOE Members Ex Officio to Econ. Dev. Comm. (Public)

**Sponsors:** Representatives Yongue; Braxton, Carney, Fisher, Gill, Glazier, and Pierce.

**Referred to:** Education, if favorable, Commerce, Small Business, and Entrepreneurship.

May 19, 2010

**A BILL TO BE ENTITLED**

**AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.**

The General Assembly of North Carolina enacts:

**SECTION 1. G.S. 158-8.1 reads as rewritten:**

**"§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Seven members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

..."

**SECTION 2. G.S. 158-8.2(b) reads as rewritten:**

**"§ 158-8.2. Creation of North Carolina's Northeast Commission.**

(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but



shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

(b1) The member of the State Board of Education appointed to represent the first education district shall serve as a nonvoting ex officio member of the Commission.

..."

**SECTION 3. G.S. 158-8.3 reads as rewritten:**

**"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.**

(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 15 members appointed as follows:

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(4) Five members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The member of the State Board of Education appointed to represent the fourth education district shall serve as a nonvoting ex officio member of the Commission.

..."

**SECTION 4. Article 2 of Chapter 158 of the General Statutes is amended by adding a new section to read:**

**"§ 158-8.4A. State Board of Education Members as Ex Officio Commission Members.**

1 As a condition on the receipt of State funds, the member of the State Board of Education  
2 appointed to represent the designated education district shall serve as a member of the  
3 following Commissions:

4 (a) Charlotte Regional Partnership, Inc. – The State Board of Education member  
5 appointed to represent the sixth education district shall serve as a nonvoting ex officio member  
6 of the Commission.

7 (b) Piedmont Triad Regional Partnership. – The State Board of Education member  
8 appointed to represent the fifth education district shall serve as a nonvoting ex officio member  
9 of the Commission.

10 (c) Research Triangle Regional Partnership. – The State Board of Education member  
11 appointed to represent the third education district shall serve as a nonvoting ex officio member  
12 of the Commission."

13 **SECTION 5. G.S. 158-35 reads as rewritten:**

14 **"§ 158-35. Commission membership, officers, compensation.**

15 (a) **Commission Membership. – The governing body of the Region is the Commission.**  
16 **The members of the Commission must be residents of the Region and shall be appointed as**  
17 **follows:**

18 (1) **The board of commissioners of each county participating in the Region shall,**  
19 **in consultation with the county's local business community, appoint one**  
20 **member.**

21 (2) (3) **Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.**

22 (4) **The General Assembly shall appoint two members to the Commission on the**  
23 **recommendation of the Speaker of the House of Representatives and two**  
24 **members on the recommendation of the President Pro Tempore of the Senate**  
25 **in accordance with G.S. 120-121. The Governor shall appoint two members**  
26 **to the Commission. No two members appointed under this subdivision may**  
27 **be residents of the same county. The President Pro Tempore of the Senate,**  
28 **Speaker of the House of Representatives, and the Governor shall consult to**  
29 **assist in geographic diversity in those six appointments. In order to be**  
30 **eligible for appointment under this subdivision, a person must be a resident**  
31 **of the region. No person appointed under this subdivision is eligible to be**  
32 **chairperson or vice-chairperson.**

33 (a1) Ex Officio Member. – The member of the State Board of Education appointed to  
34 represent the second education district shall serve as a nonvoting ex officio member of the  
35 Commission.

36 ..."

37 **SECTION 6. This act is effective when it becomes law.**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**H**

**D**

**HOUSE BILL 1826\*  
PROPOSED COMMITTEE SUBSTITUTE H1826-PCS80631-TC-75**

Short Title: SBOE Members Ex Officio to Econ. Dev. Comm.

(Public)

Sponsors:

Referred to:

May 19, 2010

A BILL TO BE ENTITLED

AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 158-8.1 reads as rewritten:

**"§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

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(2) Two members shall be appointed by the Lieutenant Governor;

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(4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

...."

**SECTION 2.** G.S. 158-8.2 reads as rewritten:

**"§ 158-8.2. Creation of North Carolina's Northeast Commission.**

(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford,



\* H 1 8 2 6 - P C S 8 0 6 3 1 - T C - 7 5 \*

Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

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(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

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**"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.**

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- (2) Piedmont Triad Regional Partnership. – The State Board of Education member appointed to represent the fifth education district shall serve as a nonvoting ex officio member of the Commission.
- (3) Research Triangle Regional Partnership. – The State Board of Education member appointed to represent the third education district shall serve as a nonvoting ex officio member of the Commission."

SECTION 5. G.S. 158-35 reads as rewritten:

**"§ 158-35. Commission membership, officers, compensation.**

(a) Commission Membership. – The governing body of the Region is the Commission. The members of the Commission must be residents of the Region and shall be appointed as follows:

- (1) The board of commissioners of each county participating in the Region shall, in consultation with the county's local business community, appoint one member.
- (2),(3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.
- (4) The General Assembly shall appoint two members to the Commission on the recommendation of the Speaker of the House of Representatives and two members on the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Governor shall appoint two members to the Commission. No two members appointed under this subdivision may be residents of the same county. The President Pro Tempore of the Senate, Speaker of the House of Representatives, and the Governor shall consult to assist in geographic diversity in those six appointments. In order to be eligible for appointment under this subdivision, a person must be a resident of the region. No person appointed under this subdivision is eligible to be chairperson or vice-chairperson.

(a1) Ex Officio Member. – The member of the State Board of Education appointed to represent the second education district shall serve as a nonvoting ex officio member of the Commission.

...."

SECTION 6. This act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**HB 1826** A BILL TO BE ENTITLED AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill, and recommendation that the committee substitute bill be re-referred to the Committee on COMMERCE, SMALL BUSINESS, AND ENTREPRENEURSHIP.

**(FOR JOURNAL USE ONLY)**

---

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
June 22, 2010

The House Committee on Education met at 11:00 a.m. on Tuesday, June 22, 2010 in room 643 of the Legislative Office Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Fisher, Love, Parmon and Womble; **Members:** Avila, Blackwell, Bordsen, Brown, Bryant, Carney, Cleveland, Dockham, Dollar, England, B. Floyd, E. Floyd, Folwell, Gill, Glazier, Wade-Goodwin, Hall, Hilton, Holloway, Hurley, Iler, Insko, Jackson, Johnson, Langdon, McElraft, McLawhorn, Mills, Parfitt, Rapp, Rhyne, Ross, Stewart, Tarleton, Tillis, R. Warren, Whilden, Wiley, and Wilkins.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Pages/Sergeant at Arms Sheet, Visitor Registration Sheets, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. The agenda was presented and the following bills were before the committee:

**SB 1151 – A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF SOCIAL SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXAMINE WAYS TO EXPAND AND ENHANCE THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IN NORTH CAROLINA, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.**

**Representative Insko** summarized the bill on behalf of Senator Purcell.

**Veronica Wilson** from the Department of Health and Human Services explained that the Supplemental Nutrition Assistance Program (SNAP-Ed Program) was the new federal name for the Food Stamp Program. The goal of the program is to provide those who are eligible with enough information to purchase healthy nutritious food choices for a healthy diet within a limited budget and will choose physically active lifestyles. Currently there are 5 providers in the state offering nutritional education across the state to families and elementary children. Childhood obesity would be affected by expanding the providers and opening up the program.

**Representative Blackwell** offered to amend the bill on line 23 to strike the words 'nonprofit organizations' and the motion passed.



**Representative Tarleton** moved for a favorable report to the House committee substitute bill, unfavorable to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Health. Senate Bill 1151 passed.

**SB 1141 – A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON SPORTS INJURIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.**

**Senator Foriest** explained that the bill was a recommendation from the Joint Legislative Education Oversight Committee and based on a presentation given by the North Carolina Athletic Trainers' Association. The committee found that students who participate in athletics are at-risk for sports related injuries, and the number of high school student-athletes who have died from sports-related injuries seems to be on the rise and that fewer than half of North Carolina high schools have a certified athletic trainer. Senator Foriest further explained the Task Force would consist of 14 members: 7 members appointed by the Speaker of the House of Representatives and 7 members appointed by the President Pro Tempore of the Senate. In addition to the legislative members, the Task Force would include a member of the State Board of Education or its designee, a physician, a representative of the North Carolina High School Athletic Association, and school personnel including coaches, an athletic trainer, and a high school athletic director.

**Representative Jackson** was recognized for an amendment. He explained that section 2,1c would specify "one doctor with expertise sports related head trauma" and on the Senate side would read "one doctor with expertise in sports related orthopedic injuries."

**Representative Bordsen** moved to accept the amendment. The amendment passed.

**Chairman Lucas** moved to amend the bill on page 1, line 30 to read "sports, including cheerleading, at the middle school and high school levels, focusing on the prevention and treatment of". Chairman Lucas moved for adoption; the amendment passed.

**Representative Wiley** queries the bill concerning heat related injuries and conditions; **Representative Cotham** interjected the difference between sports medicines versus sports orthopedics; sports medicine refers to the entire arena of medicine which most of our athletes die from undiagnosed heart disease related to heat and stress injuries.

**Representative Womble** moved that SB 1141 receive a favorable report as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Rules, Calendar, and Operations of the House. Senate Bill 1141 passed.

**SENATE BILL 1198 – A BILL TO BE ENTITLED AN ACT TO DIRECT THE EDUCATION CABINET TO SET AS A PRIORITY AN INCREASE IN THE NUMBER OF POSTSECONDARY CREDENTIALS IN THE FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS AND TO SUPPORT EFFORTS TO ACHIEVE THAT PRIORITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.**

**REPRESENTATIVE GLAZIER** summarized the bill on behalf of Senator Swindell and indicated that this bill was identical to HB 1699. There was no opposition to the bill.

**Representative Fisher** moved for a favorable report for the committee substitute for Senate Bill 1198. SB 1198 passed.

**SENATE BILL 1244 – A BILL TO BE ENTITLED AN ACT TO ADD STATE BOARD OF EDUCATION MEMEBERS AS NONVOTING EXOFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.**

**REPRESENTATIVE GLAZIER** summarized the bill on behalf of Senator Swindell and indicated that this bill was identical to HB 1826. There was no opposition to the bill.

**Representative Tillis** moved for a favorable report for the committee substitute for Senate Bill 1244. SB 1244 passed.

**SENATE BILL 1246 – A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A GROWTH MODEL FOR ESTABLISHING SHORT-TERM ANNUAL GOALS FOR IMPROVING THE FOUR-YEAR COHORT GRADUATION RATE, AND TO ESTABLISH A LONG-TERM GOAL OF INCREASING THE STATEWIDE FOUR-YEAR COHORT GRADUATION RATE.**

**Representative Parmon** summarized the bill on behalf of Senator Davis and indicated that this bill was identical to HB 1877. The bill is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation. The bill would establish a long-term goal for a 4 year graduation rate of 90% by 2016. Representative Parmon urge for support of Senate Bill 1246.

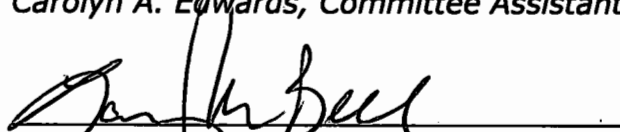
**Representative Gill** stated that the Department of Public Instruction had a goal of 100% by 2014 and asked why they put the long-term goal for a 4 year graduation rate of 90% by 2016.

**Representative Parmon** asked for the Department of Public Instructions to answer the question. **Philip Price** of the Department of Public Instruction stated that the Board of Education had not established a specific goal of a 100% by 2014 even though it is their objective.

There was so much discussion and debate that time eluded the House Education Committee and Chairman Bell adjourned the meeting at 11:50 a.m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
Representative Larry M. Bell  
Chair

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 22, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
LINDA GUNTER	NCAE
Marge Joorman	NCAE
Gary Hancock	EGHS
Nephiteanya Bailey	Constituent
Violet Hinchant	constituent
Teresa Nichols	NC Junior Chamber
Terrin Lawrence	Constituent
Dwight C. C.	R. C. C. Assoc.
George Seidman	NC BEV
Andrew Cagle	DLC + Assoc.
Henry Autant	N.P.B.O.

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 22, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Veronica B. Wilson	NCDHHS/DSS, 325 N Salisbury St. Raleigh
Weatherly B. Rose	Horton & Williams
W. G. Culpepper	NCNA
Channing Carter	
Joanne Stevens	STEVENS & ASSOC'S
Ms. Mary McDuffie	NCA
Amy White	NC Mid Society
Jeff Maynard	CMS
Cliff Harts	
Ben Matthes	NC DPZ
Lynn Harvey	NC DPI
Janet Johnson	NC DPI

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 22, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

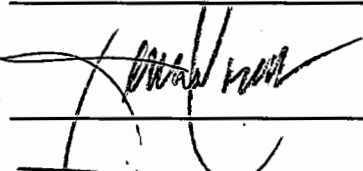
NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Dr. Carlton	atdy.
Monica Christens	for the Corp.
W. McDaniel	NCLC
Gene Canning	NYCSEA
Jim Stegall	U.C.P.S.
MR. W. W. W. W.	HNS
Jesse Hayes	NCHBA
Lisa Martin	NCHBA
Matt B. B.	TPG
Wendy Kelly	Policy Group
Tracy Wilboone	Policy Group
Tulla Adams	The Arc of NC

# VISITOR REGISTRATION SHEET

COMMITTEE ON EDUCATION

June 22, 2010

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME: (Please Print)	FIRM OR AGENCY AND ADDRESS
Elizabeth Ireland	Covenant w/ NC's children
Kay Emanuel	UNC School of Government
Butch Gunnells	NC Beverage A
	JD, AL, PA
THOMAS LARRY	PARMOR
SARA BURROWS	Carolina Journal
Snayha Nath	Governor's Office
Brice Hamby	Randolph Cloud & Assoc.
John Mitterling	John Avery Boys & Girls Club
Shirley Ryba	" "
Erica Nelson	NCCCR
Stephanie Kass	Rep Verla Finkbeiner's Office

# VISITOR REGISTRATION SHEET

**COMMITTEE ON EDUCATION**

**June 22, 2010**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME: <i>(Please Print)</i>	FIRM OR AGENCY AND ADDRESS
Jackson Miller	NC DPI
TJ Price	DPI
Roz Sawitt	NC Child Care Coalition
Ed Sulej	Brooks Pierce
Dorothy	AmeriHeart Assoc
Maria Salerno	American Heart assoc.
Chip Buggert	NEMS
Katherine Joyce	NCASA
Dan Harris	WCPS
Andrew Neehan	Capstar



## **EDUCATION COMMITTEE**

### **HOUSE PAGES**

**June 22, 2010**

<b><u>Name</u></b>	<b><u>County</u></b>	<b><u>Sponsor</u></b>
<b>Brittany Brown</b>	<b>Washington</b>	<b>Spear</b>
<b>Will Walldorf</b>	<b>Forsyth</b>	<b>Folwell</b>
<b>Alex Morton</b>	<b>Montgomery</b>	<b>Goodwin</b>
<b>Kiara Willis</b>	<b>Cumberland</b>	<b>Floyd</b>
<b>Abby Wierman</b>	<b>Forsyth</b>	<b>Folwell</b>
<b>Elizabeth Bell</b>	<b>Wake</b>	<b>Wainwright</b>

### **SGT-AT-ARMS**

<b>Judy Turner</b>	<b>Martha Parrish</b>
<b>John Brandon</b>	<b>Marvin Lee</b>
<b>Trey Raley</b>	

### **Committee Assistants**

<b>Thelma Utley</b>	<b>Carolyn Edwards</b>
---------------------	------------------------

# **ADD ON - SB 1198 AND SB 1244**

## **NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2009-2010 SESSION**

You are hereby notified that the Committee on Education will meet as follows:

**DAY & DATE:** Tuesday, June 22, 2010

**TIME:** 11:00 am

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 1141	Task Force on Sports Injuries in Schools.	Senator Foriest
SB 1151	Supplemental Nutrition Assistance Program.	Senator Purcell
SB 1152	Study Child Nutrition Program.	Senator Purcell
SB 1246	Four-Year Cohort Graduation Rate.	Senator Davis
SB 1198	Education Cabinet Est. STEM Priority.	Senator Swindell IV
SB 1244	SBOE Members Ex Officio to Econ. Dev. Comm.	Senator Swindell IV

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 4:40 pm on June 21, 2010.

☐ Principal Clerk  
☐ Reading Clerk - House Chamber  
Carolyn Edwards (Committee Assistant)

# **AGENDA**

## **HOUSE COMMITTEE ON EDUCATION**

*June 22, 2010*

*11:00 A.M.*

*Room 643 LOB*

**Representative Bell**

*Presiding Chair*

### **CALL TO ORDER**

### **OPENING REMARKS**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
SB 1141	Task Force on Sports Injuries in Schools.	Senator Foriest
SB 1151	Supplemental Nutrition Assistance Program.	Senator Purcell
SB 1152	Study Child Nutrition Program.	Senator Purcell
SB 1246	Four-Year Cohort Graduation Rate.	Senator Davis
SB 1198	Education Cabinet Est. STEM Priority.	Senator Swindell IV
SB 1244	SBOE Members Ex Officio to Econ. Dev. Comm.	Senator Swindell IV

### **ADJOURNMENT**

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**D**

**SENATE BILL 1141\*  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1141-PCS55629-RJ-41**

Short Title: Task Force on Sports Injuries in Schools.

(Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON SPORTS INJURIES AS  
RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is created the Legislative Task Force on Sports Injuries.

**SECTION 2.** The Task Force shall consist of 16 members as follows:

(1) Eight members appointed by the Speaker of the House of Representatives as follows:

- a. Three members of the House of Representatives;
- b. One member of the State Board of Education or a designee of the State Board of Education;
- c. One doctor with expertise in sports-related head trauma;
- d. One school administrator;
- e. One high school coach; and
- f. One school nurse.

(2) Eight members appointed by the President Pro Tempore of the Senate as follows:

- a. Three members of the Senate;
- b. One representative of the North Carolina High School Athletic Association;
- c. One athletic trainer;
- d. One high school athletic director;
- e. One middle school coach; and
- f. One doctor with expertise in sports-related orthopedic injuries.

**SECTION 3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

**SECTION 4.** The Task Force shall study issues relating to sports injuries for all sports, including cheerleading, at the middle school and high school levels, focusing on the prevention and treatment of injuries.



\* S 1 1 4 1 - P C S 5 5 6 2 9 - R J - 4 1 \*

1           **SECTION 5.** Members of the Task Force shall receive per diem, subsistence, and  
2 travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task  
3 Force, while in the discharge of its official duties, may exercise all powers provided for under  
4 G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime  
5 upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the  
6 Legislative Office Building.

7           With approval of the Legislative Services Commission, the Legislative Services  
8 Officer shall assign professional staff to assist the Task Force in its work. The House of  
9 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
10 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
11 Force. The Task Force may contract for professional, clerical, or consultant services as  
12 provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a  
13 State employee or a person currently under contract with the State to provide services.

14           All State departments and agencies and local governments and their subdivisions  
15 shall furnish the Task Force with any information in their possession or available to them.

16           **SECTION 6.** The Task Force shall submit a final report of the results of its study  
17 and its recommendations to the 2011 General Assembly upon its convening. The Task Force  
18 shall terminate upon filing its final report or upon the convening of the 2011 General  
19 Assembly, whichever occurs first.

20           **SECTION 7.** This act becomes effective July 1, 2010.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**1**

**SENATE BILL 1141\***

Short Title:	Task Force on Sports Injuries in Schools.	(Public)
Sponsors:	Senators Foriest, Tillman, Dorsett, Hartsell, Stevens; and Atwater.	
Referred to:	Education/Higher Education.	

May 17, 2010

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON SPORTS INJURIES AS  
RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT  
COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is created the Legislative Task Force on Sports Injuries.

**SECTION 2.** The Task Force shall consist of 14 members as follows:

(1) Seven members appointed by the Speaker of the House of Representatives as follows:

- a. Three members of the House of Representatives;
- b. One member of the State Board of Education or a designee of the State Board of Education;
- c. One doctor with expertise in the area of sports medicine;
- d. One school administrator; and
- e. One high school coach.

(2) Seven members appointed by the President Pro Tempore of the Senate as follows:

- a. Three members of the Senate;
- b. One representative of the North Carolina High School Athletic Association;
- c. One athletic trainer;
- d. One high school athletic director; and
- e. One middle school coach.

**SECTION 3.** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. Vacancies on the Task Force shall be filled by the same appointing authority that made the initial appointment. A quorum of the Task Force shall be a majority of its members.

**SECTION 4.** The Task Force shall study issues relating to sports injuries for all sports at the middle school and high school levels, focusing on the prevention and treatment of injuries.

**SECTION 5.** Members of the Task Force shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Task Force, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Task Force may meet at anytime upon the joint call of the cochairs. The Task Force may meet in the Legislative Building or the Legislative Office Building.



\* 5 1 1 4 1 - V - 1 \*

1 With approval of the Legislative Services Commission, the Legislative Services  
2 Officer shall assign professional staff to assist the Task Force in its work. The House of  
3 Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to  
4 the Task Force, and the expenses relating to the clerical employees shall be borne by the Task  
5 Force. The Task Force may contract for professional, clerical, or consultant services as  
6 provided by G.S. 120-32.02. If the Task Force hires a consultant, the consultant shall not be a  
7 State employee or a person currently under contract with the State to provide services.

8 All State departments and agencies and local governments and their subdivisions  
9 shall furnish the Task Force with any information in their possession or available to them.

10 **SECTION 6.** The Task Force shall submit a final report of the results of its study  
11 and its recommendations to the 2011 General Assembly upon its convening. The Task Force  
12 shall terminate upon filing its final report or upon the convening of the 2011 General  
13 Assembly, whichever occurs first.

14 **SECTION 7.** This act becomes effective July 1, 2010.



## SENATE BILL 1141: Task Force on Sports Injuries in Schools

2009-2010 General Assembly

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<b>Committee:</b>	Education, if favorable, Rules, Calendar, and Operations of the House	<b>Date:</b>	June 21, 2010
<b>Introduced by:</b>	Sen. Foriest	<b>Prepared by:</b>	Sara Kamprath*
<b>Analysis of:</b>	First Edition		Legislative Analyst

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**SUMMARY:** *Senate Bill 1141 would create a Legislative Task Force on Sports Injuries as recommended by the Joint Legislative Education Oversight Committee.*

[As introduced, this bill was identical to H1837, as introduced by Reps. Cotham, Fisher, Glazier, Rapp, which is currently in Health, if favorable, Education, if favorable, Rules, Calendar, and Operations of the House.]

**BILL ANALYSIS:** Senate Bill 1141 would create the Legislative Task Force on Sports Injuries (Task Force). The Task Force would consist of 14 members: 7 members appointed by the Speaker of the House of Representatives and 7 members appointed by the President Pro Tempore of the Senate. In addition to the legislative members, the Task Force would include a member of the State Board of Education or its designee, a physician, a representative of the North Carolina High School Athletic Association, and school personnel including coaches, an athletic trainer, and a high school athletic director.

The Task Force would study issues related to sports injuries for all sports at the middle school and high school levels with a focus on the prevention and treatment of injuries.

The Task Force must report the results of its study and any recommendations to the 2011 General Assembly. The Task Force would terminate upon the filing of its final report or upon the convening of the 2011 General Assembly, whichever occurs first.

**EFFECTIVE DATE:** The bill would become effective July 1, 2010.

**BACKGROUND:** The bill is a recommendation of the Joint Legislative Education Oversight Committee. Based on a presentation by the North Carolina Athletic Trainers' Association, the Committee found "that students who participate in athletics are at-risk for sports related injuries, and the number of high school student-athletes who have died from sports-related injuries seems to be on the rise" and that "fewer than half of North Carolina high schools have a certified athletic trainer".

*Drupti Chauhan, Education Committee Counsel, significantly contributed to this summary.*

S1141-SMRJ-119(e1) v1





**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**Senate Bill 1141\***

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S1141-ASF-44 [v.1]

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2010

Representative Jackson

1 moves to amend the bill on page 1, line 7, by deleting "14" and substituting "16"; and

2  
3 on page 1, line 8, by deleting "Seven" and substituting "Eight"; and

4  
5 on page 1, line 13, by rewriting the line to read:

6  
7 "c. One doctor with expertise in sports related head trauma;" and

8  
9 On page 1, lines 14-15, by rewriting those lines to read:

- 10  
11 "d. One school administrator;  
12 e. One high school coach; and  
13 f. One school nurse."; and

14  
15 On page 1, line 16, by deleting "Seven" and substituting "Eight"; and

16  
17 On page 1, lines 22-23, by rewriting those lines to read:

- 18  
19 "d. One high school athletic director;  
20 e. One middle school coach; and  
21 f. One doctor with expertise in sports related orthopedic injuries."  
22  
23

SIGNED \_\_\_\_\_

Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



\* S 1 1 4 1 - A S F - 4 4 - V - 1 \*

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. \_\_\_\_\_

H. B. No. \_\_\_\_\_

DATE \_\_\_\_\_

S. B. No. 1141

Amendment No. \_\_\_\_\_

COMMITTEE SUBSTITUTE \_\_\_\_\_

(to be filled in by  
Principal Clerk)

Rep. ) Lucas  
Sen. ) \_\_\_\_\_

1 moves to amend the bill on page 1, line 30

2 ( ) WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4 "Sports, including cheerleading, at the middle school and high  
5 school levels, focusing on the prevention and treatment of".  
6  
7  
8  
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18  
19

SIGNED

M. W. Lucas

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 1141**                    A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE  
LEGISLATIVE TASK FORCE ON SPORTS INJURIES AS RECOMMENDED BY THE JOINT  
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

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**SENATE BILL 1151\*  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1151-PCS65084-TC-78**

Short Title: Supplemental Nutrition Assistance Program.

(Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DIVISION OF SOCIAL SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXAMINE WAYS TO EXPAND AND ENHANCE THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IN NORTH CAROLINA, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Department of Health and Human Services, Division of Social Services, shall examine and recommend ways to expand and enhance Supplemental Nutrition Assistance Program Education (SNAP-Ed Program) in this State. The recommendations shall include all of the following:

- (1) An expanded definition and use of in-kind resources in order to draw down additional federal funds to expand the SNAP-Ed Program in North Carolina.
- (2) A three-year plan to expand and enhance the SNAP-Ed Program.
- (3) A determination as to the feasibility of placing the responsibility for the SNAP-Ed Program at North Carolina State University or North Carolina A&T State University, or both.

Not later than September 1, 2011, the Department shall report its findings and recommendations on the directives outlined in subdivisions (1) through (3) of this section to the Legislative Task Force on Childhood Obesity if reestablished for the 2011-2012 Session, to the Public Health Study Commission, and to the Fiscal Research Division.

**SECTION 2.** Beginning in October 2010, the Department shall solicit proposals from across the State for the development and implementation by April 2011 of new local and State programs that emphasize social marketing techniques to educate consumers about nutrition, physical activity, and obesity prevention.

**SECTION 3.** This act is effective when it becomes law.



\* S 1151 - PCS 65084 - TC - 78 \*





## SENATE BILL 1151: Supplemental Nutrition Assistance Program

2009-2010 General Assembly

**Committee:** House Education, if favorable, Health  
**Introduced by:** Sen. Purcell  
**Analysis of:** First Edition

**Date:** June 21, 2010  
**Prepared by:** Kara McCraw\*  
Committee Counsel

**SUMMARY:** *SB 1151 would direct the Division of Social Services to study and recommend ways to expand and enhance the Supplemental Nutrition Assistance Program Education (SNAP-Ed Program) in the State, and would direct the Department of Health and Human Services to solicit proposals for local and State programs to use social marketing techniques to educate consumers on nutrition, physical activity, and obesity prevention.*

[As introduced, this bill was identical to H1775, as introduced by Reps. Yongue, Brown, Hughes, Insko, which is currently in House Education, if favorable, Health.]

**BILL ANALYSIS:** Section 1 of SB 1151 would direct the Division of Social Services to study and recommend ways to expand and enhance the Supplemental Nutrition Assistance Program Education (SNAP-Ed Program) in the State, with specific direction to make recommendations on the following:

1. An expanded definition and use of in-kind resources to draw down additional federal funds to expand SNAP-Ed in the State.
2. A three-year plan to expand and enhance the SNAP-Ed Program.
3. The feasibility of placing responsibility for the SNAP-Ed Program at either North Carolina State University or North Carolina A&T State University, or both.

The bill would direct the Department to report its findings and recommendations on the above items to the Public Health Study Commission, the Fiscal Research Division, and the Legislative Task Force on Childhood Obesity (if it is reestablished for the 2011-2012 session), not later than September 1, 2011.

**Section 2** of SB 1151 would direct the Department of Health and Human Services to begin soliciting proposals from nonprofit organizations in October 2010 to develop and implement, by April 2011, new local and State programs emphasizing social marketing techniques to educate consumers on nutrition, physical activity, and obesity prevention.

**EFFECTIVE DATE:** This act is effective when it becomes law.

**BACKGROUND:** SB 1151 is a recommendation of the Legislative Task Force on Childhood Obesity.

The goal of the SNAP-Ed program is to improve the likelihood that individuals eligible for the Supplemental Nutrition Assistance Program (known prior to October 1, 2008 as the Food Stamp Program) will make healthy food choices within a limited budget and will choose physically active lifestyles.

*\*This summary was substantially contributed to by Ben Popkin, Senate Health Care Committee Counsel.*

S1151-SMTC-153(e1) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☐ Committee Substitute for

**SB 1151** A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF SOCIAL SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXAMINE WAYS TO EXPAND AND ENHANCE THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IN NORTH CAROLINA, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to the original bill, and recommendation that the House committee substitute bill be re-referred to the Committee on HEALTH.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 1198\*

Education/Higher Education Committee Substitute Adopted 6/16/10

Short Title: Education Cabinet Est. STEM Priority.

(Public)

Sponsors:

Referred to:

May 18, 2010

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE EDUCATION CABINET TO SET AS A PRIORITY AN  
3 INCREASE IN THE NUMBER OF POSTSECONDARY CREDENTIALS IN THE  
4 FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS AND  
5 TO SUPPORT EFFORTS TO ACHIEVE THAT PRIORITY, AS RECOMMENDED BY  
6 THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS)  
7 STUDY COMMISSION.  
8 The General Assembly of North Carolina enacts:  
9 SECTION 1. Chapter 116C of the General Statutes is amended by adding a new  
10 section to read:  
11 "§ 116C-5. STEM education priorities.  
12 (a) The Education Cabinet shall set as a priority an increase in the number of students  
13 earning postsecondary credentials in the fields of science, technology, engineering, and  
14 mathematics to reduce the gap between needed credentialed workers and available jobs in those  
15 fields by 2015.  
16 (b) The Education Cabinet shall encourage cooperative efforts between secondary  
17 schools and institutions of higher education to prepare students for postsecondary study in  
18 science, technology, engineering, and mathematics, and shall identify and support efforts at  
19 institutions of higher education to increase the number of students seeking and successfully  
20 completing postsecondary certificates or degrees in those fields. The Education Cabinet shall  
21 monitor progress of those efforts.  
22 (c) The Education Cabinet shall determine measurements for assessing the number of  
23 available jobs in the fields of science, technology, engineering, and mathematics in the State,  
24 and the number of students earning postsecondary credentials in the fields of science,  
25 technology, engineering, and mathematics at all institutions of higher education in the State,  
26 including community colleges and both public and private colleges and universities.  
27 (d) The Education Cabinet shall identify federal, State, and local funds that may be used  
28 to support this priority. In addition, the Education Cabinet is strongly encouraged to pursue  
29 private funds that could be used to support this priority.  
30 (e) The Education Cabinet shall report by November 1, 2011, and annually thereafter,  
31 on its activities under this section to the Joint Legislative Education Oversight Committee."  
32 SECTION 2. The Education Cabinet shall report to the Joint Legislative Joining  
33 Our Business and Schools (JOBS) Study Commission by November 1, 2011, on measurements  
34 established under this section, efforts to reduce the identified gap, and sources of funding to  
35 support these efforts.  
36 SECTION 3. This act is effective when it becomes law.



\* 5 1 1 9 8 - V - 2 \*





## SENATE BILL 1198: Education Cabinet Est. STEM Priority

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Swindell  
**Analysis of:** Second Edition

**Date:** June 22, 2010  
**Prepared by:** Shirley Iorio, Ph D  
Legislative Analyst

**SUMMARY:** *Senate Bill 1198 would direct the Education Cabinet (Cabinet) to set as a priority an increase in the number of postsecondary credentials in the science, technology, engineering, and mathematics (STEM) fields. The Cabinet would also support efforts to achieve that priority.*

*Senate Bill 1198 is a recommendation of the Joint Legislative Joining Our Businesses and Schools (JOBS) Commission.*

[As introduced, this bill was identical to H1699, as introduced by Reps. Glazier, Braxton, Yongue, which is currently in House Education.]

**CURRENT LAW:** G.S. 116C-1 created the Education Cabinet to work to resolve issues between existing providers of education, set the agenda for the State Education Commission, develop a strategic design for a continuum of education programs, and study other issues referred to it by the Governor or the General Assembly. The Cabinet, located administratively within the Office of the Governor, consists of the Governor, who serves as chair, the President of The University of North Carolina, the State Superintendent of Public Instruction, the Chairman of the State Board of Education, the President of the North Carolina Community Colleges System, the Secretary of Health and Human Services, and the President of the North Carolina Independent Colleges and Universities.

**BILL ANALYSIS:** Senate Bill 1198 would require the Education Cabinet to set science, technology, engineering, and mathematics (STEM) education priorities by doing all of the following:

- Setting as a priority an increase in the number of students earning postsecondary credentials in the STEM fields to reduce the gap between needed credentialed workers and available jobs in those fields by 2015;
- Encouraging and monitoring progress of cooperative efforts between secondary schools and institutions of higher education (IHE) to prepare students for postsecondary study of STEM subjects and identify and support IHE efforts to increase the number of students seeking and successfully completing postsecondary certificates or degrees in STEM fields;
- Determining measurements for assessing the number of available jobs in the State in STEM fields and the number of students earning postsecondary credentials in those fields at all IHEs in the State; and
- Identifying federal, State, and local funds that may be used to support this priority. In addition, the Cabinet is strongly encouraged to pursue private funds that could be used to support this priority.

The Education Cabinet must report annually on its activities under this section to the Joint Legislative Education Oversight Committee and to the JOBS Commission by November 1, 2011 on established measurements, efforts to reduce the identified gap, and sources of funding to support these efforts.

- **EFFECTIVE DATE:** The act would become effective when it becomes law.

# Senate Bill 1198

*Page 2*

**BACKGROUND:** The Joint Legislative Joining Our Businesses and Schools (JOBS) Commission, as an extension of the work that was begun in 2003 with the passage of the Innovative Education Initiatives Act, was charged with studying issues related to economic development, and the benefit workforce development and preparation might derive from the implementation of innovative high schools. In addition, the Commission was directed to study issues related to economic growth by the creation of measures and metrics which define the readiness of a community to deliver the services that equip the workforce to be competitive in a STEM intensive economy, including ensuring that students throughout the education pipeline gain the skills learned from science, technology, engineering, math, and other rigorous subjects.

The STEM Advisory Subcommittee to the JOBS Commission found that students achieving STEM education credentials are in demand in the job market and that there are pronounced gaps between STEM education skilled workers and available jobs.

*SI198-SMSF-124(e2) v1*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ Committee Substitute for

**SB 1198**

A BILL TO BE ENTITLED AN ACT TO DIRECT THE EDUCATION CABINET TO SET AS A PRIORITY AN INCREASE IN THE NUMBER OF POSTSECONDARY CREDENTIALS IN THE FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS AND TO SUPPORT EFFORTS TO ACHIEVE THAT PRIORITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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2

**SENATE BILL 1244\***

**Education/Higher Education Committee Substitute Adopted 6/16/10**

Short Title: SBOE Members Ex Officio to Econ. Dev. Comm.

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1. G.S. 158-8.1 reads as rewritten:**

**"§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Seven members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

...."

**SECTION 2. G.S. 158-8.2 reads as rewritten:**

**"§ 158-8.2. Creation of North Carolina's Northeast Commission.**

(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but



1 shall exercise its statutory powers and duties independently of the Department of Commerce.  
2 Funds appropriated for the Commission by the General Assembly shall be disbursed directly to  
3 the Commission at the beginning of each fiscal year.

4 (b) The Commission shall consist of 18 appointed members and one ex officio member,  
5 as provided below. Each appointed member shall be an experienced business person who  
6 resides for most of the year in one or more of the counties that are members of the  
7 Commission.

8 (1) Six members shall be appointed by the Governor.

9 (2) Six members shall be appointed by the General Assembly upon the  
10 recommendation of the President Pro Tempore of the Senate in accordance  
11 with G.S. 120-121.

12 (3) Six members shall be appointed by the General Assembly upon the  
13 recommendation of the Speaker of the House of Representatives in  
14 accordance with G.S. 120-121.

15 (4) The Secretary of Commerce, or a designee.

16 (5) Repealed by Session Laws 1999-237, s. 16.6(a).

17 Any person appointed to the Commission who is also a county commissioner may hold that  
18 office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are  
19 encouraged to discuss and coordinate their appointments in an effort to ensure as many counties  
20 served by the Commission are represented among the membership of the Commission.

21 (b1) The member of the State Board of Education appointed to represent the first  
22 education district shall serve as a nonvoting ex officio member of the Commission.

23 ...."

24 **SECTION 3. G.S. 158-8.3 reads as rewritten:**

25 **"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development**  
26 **Commission.**

27 (a) There is created the Southeastern North Carolina Regional Economic Development  
28 Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover,  
29 Pender, Richmond, Robeson, Sampson, and Scotland Counties, and any other county assigned  
30 to the Commission by the Department of Commerce as authorized by law. The Commission  
31 shall be located administratively in the Department of Commerce but shall exercise its statutory  
32 powers and duties independently of the Department of Commerce. Funds appropriated for the  
33 Commission by the General Assembly shall be disbursed directly to the Commission at the  
34 beginning of each fiscal year.

35 (b) The Commission shall consist of 15 members appointed as follows:

36 (1) Three members shall be appointed by the Governor;

37 (2) Two members shall be appointed by the Lieutenant Governor;

38 (3) Five members shall be appointed by the General Assembly upon the  
39 recommendation of the Speaker of the House of Representatives in  
40 accordance with G.S. 120-121; and

41 (4) Five members shall be appointed by the General Assembly upon the  
42 recommendation of the President Pro Tempore of the Senate in accordance  
43 with G.S. 120-121.

44 (b1) The member of the State Board of Education appointed to represent the fourth  
45 education district shall serve as a nonvoting ex officio member of the Commission.

46 ...."

47 **SECTION 4. Article 2 of Chapter 158 of the General Statutes is amended by**  
48 **adding a new section to read:**

49 **"§ 158-8.4A. State Board of Education members as ex officio commission members.**

1 As a condition on the receipt of State funds, the member of the State Board of Education  
2 appointed to represent the designated education district shall serve as a member of the  
3 following Commissions:

- 4 (1) Charlotte Regional Partnership, Inc. – The State Board of Education member  
5 appointed to represent the sixth education district shall serve as a nonvoting  
6 ex officio member of the Commission.  
7 (2) Piedmont Triad Regional Partnership. – The State Board of Education  
8 member appointed to represent the fifth education district shall serve as a  
9 nonvoting ex officio member of the Commission.  
10 (3) Research Triangle Regional Partnership. – The State Board of Education  
11 member appointed to represent the third education district shall serve as a  
12 nonvoting ex officio member of the Commission."

13 **SECTION 5. G.S. 158-35 reads as rewritten:**

14 **"§ 158-35. Commission membership, officers, compensation.**

15 (a) **Commission Membership. – The governing body of the Region is the Commission.**  
16 **The members of the Commission must be residents of the Region and shall be appointed as**  
17 **follows:**

- 18 (1) **The board of commissioners of each county participating in the Region shall,**  
19 **in consultation with the county's local business community, appoint one**  
20 **member.**  
21 (2), (3) **Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.**  
22 (4) **The General Assembly shall appoint two members to the Commission on the**  
23 **recommendation of the Speaker of the House of Representatives and two**  
24 **members on the recommendation of the President Pro Tempore of the Senate**  
25 **in accordance with G.S. 120-121. The Governor shall appoint two members**  
26 **to the Commission. No two members appointed under this subdivision may**  
27 **be residents of the same county. The President Pro Tempore of the Senate,**  
28 **Speaker of the House of Representatives, and the Governor shall consult to**  
29 **assist in geographic diversity in those six appointments. In order to be**  
30 **eligible for appointment under this subdivision, a person must be a resident**  
31 **of the region. No person appointed under this subdivision is eligible to be**  
32 **chairperson or vice-chairperson.**

33 (al) Ex Officio Member. – The member of the State Board of Education appointed to  
34 represent the second education district shall serve as a nonvoting ex officio member of the  
35 Commission.  
36 ...."

37 **SECTION 6. This act is effective when it becomes law.**



## SENATE BILL 1244: SBOE Members Ex Officio to Econ. Dev. Comm

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Swindell  
**Analysis of:** Second Edition

**Date:** June 22, 2010  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *SB 1244 would add the State Board of Education members who represent the eight education regions as ex officio, non-voting members of the Commission for each of the seven economic development regions.*

[As introduced, this bill was identical to H1826, as introduced by Rep. Yongue, which is currently in House Commerce, Small Business, and Entrepreneurship.]

**BILL ANALYSIS:** SB 1244 would make the State Board of Education members representing the following education districts ex officio non-voting members of the following economic development commissions.

- Education District 1: North Carolina's Northeast Commission
- Education District 2: North Carolina's Eastern Region
- Education District 3: Research Triangle Regional Partnership
- Education District 4: Southeastern North Carolina Regional Economic Development Commission
- Education District 5: Piedmont Triad Partnership
- Education District 6: Charlotte Regional Partnership, Inc.
- Education Districts 7 and 8: Western North Carolina Regional Economic Development Commission

For the three economic development regions not created in statute, SB 1244 makes inclusion of the State Board of Education member as an ex officio non-voting member on the Commission a condition for the receipt of State funds.

### **CURRENT LAW:**

#### **Economic Development Commissions**

Currently there are seven regional economic development commissions in North Carolina. Economic development commissions have the power to formulate projects for carrying out economic development programs received from planning boards in the area, conduct surveys, advertise, and furnish advice and assistance to business and industry, encourage the formation of private business development corporations to carry out such projects, and use grant funds to make loans permitted by the federal government.

Four of these regional economic development commissions are created by statute as follows:

- G.S. 158-8.1 creates the **Western North Carolina Regional Economic Development Commission**, which included Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties.
- G.S. 158-8.2 creates the **North Carolina's Northeast Commission**, which includes Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrell and Washington Counties.
- G.S. 158-8.3 creates the **Southeastern North Carolina Regional Economic Development Commission** which includes Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties.

# Senate Bill 1244

Page 2

- G.S. 158-35 creates the Commission for North Carolina's Eastern Region, which includes Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Nash, Onslow, Pamlico, Pitt, Wayne, and Wilson.

Three of the regional economic development commissions have been created by local governments in those regions, as authorized by G.S. 158-8. They are as follows:

- **Charlotte Regional Partnership, Inc.**, which includes Alexander, Anson, Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union Counties.
- **Piedmont Triad Partnership**, which includes Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties.
- **Research Triangle Regional Partnership**, which includes Chatham, Durham, Franklin, Granville, Harnett, Johnston, Lee, Moore, Orange, Person, Vance, Wake, and Warren Counties.

As a condition for receipt of State funds, these regional economic development commissions are required to comply with certain annual reporting requirements and other uniform standards.

## State Board of Education

Article IX, Section 4 of the North Carolina Constitution requires the Governor to appoint 11 members to the State Board of Education. One member must be appointed from each of the eight education districts and three members are appointed at large. G.S. 115C-68 divides the State into the following 8 Education Districts:

**District 1:** Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

**District 2:** Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, Wayne.

**District 3:** Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Nash, Northampton, Vance, Wake, Warren, Wilson.

**District 4:** Bladen, Columbus, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, Robeson, Scotland.

**District 5:** Alamance, Caswell, Chatham, Davidson, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes.

**District 6:** Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Stanly, Union.

**District 7:** Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, Yadkin.

**District 8:** Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey.

**EFFECTIVE DATE:** SB 1244 would become effective when it becomes law.

**BACKGROUND:** SB 1244 is a recommendation of the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission.

*SI244-SMTC-154(e2) v1*



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 1244**

A BILL TO BE ENTITLED AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**1**

**SENATE BILL 1246\***

Short Title: Four-Year Cohort Graduation Rate. (Public)

Sponsors: Senators Davis; Atwater, Bingham, Blue, Boseman, Dorsett, Foriest, Graham, Jenkins, Jones, McKissick, Queen, Snow, Swindell, and Tillman.

Referred to: Education/Higher Education.

May 20, 2010

- 1                                   A BILL TO BE ENTITLED  
2   AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A GROWTH  
3   MODEL FOR ESTABLISHING SHORT-TERM ANNUAL GOALS FOR IMPROVING  
4   THE FOUR-YEAR COHORT GRADUATION RATE, AND TO ESTABLISH A  
5   LONG-TERM GOAL OF INCREASING THE STATEWIDE FOUR-YEAR COHORT  
6   GRADUATION RATE.  
7   The General Assembly of North Carolina enacts:  
8       **SECTION 1.** Prior to the 2010-2011 school year, the State Board of Education  
9   shall:  
10       (1)   Develop a growth model establishing annual goals for continuous and  
11             substantial improvement in the four-year cohort graduation rate by local  
12             school administrative units.  
13       (2)   Establish as a short-term goal that local school administrative units meet the  
14             annual growth model goals for improvement in the four-year cohort  
15             graduation rate beginning with the graduating class of 2011 and continuing  
16             annually thereafter.  
17       (3)   Establish as a long-term goal a statewide four-year cohort graduation rate of  
18             ninety percent (90%) by 2016.  
19       **SECTION 2.** This act is effective when it becomes law.





## SENATE BILL 1246: Four-Year Cohort Graduation Rate

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Davis  
**Analysis of:** First Edition

**Date:** June 22 2010  
**Prepared by:** Drupti Chauhan\*  
Committee Counsel

**SUMMARY:** *Senate Bill 1246 would direct the State Board of Education to develop a growth model for establishing short-term annual goals for improving the four-year cohort graduation rate and to establish a long-term Statewide four-year cohort graduation rate. The bill is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation.*

[As introduced, this bill was identical to H1877, as introduced by Reps. Parmon, Bryant, Hurley, Hall, which is currently in House Education.]

**BILL ANALYSIS:** Senate Bill 1246 would direct the State Board to do the following before the beginning of the 2010-2011 school year:

- Develop a growth model that establishes for local school administrative units annual goals for continuous and substantial improvement in the four-year cohort graduation rate
- Establish as a short-term goal that LEAs must meet the annual four-year cohort graduation rate improvement goals beginning with the graduating class of 2011
- Establish as a long-term goal a four-year cohort graduation rate of 90% by 2016

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**BACKGROUND:** Although no bill was introduced, the Joint Legislative Commission on Dropout Prevention and High School Graduation made the same recommendation to the 2009 General Assembly but no action was taken.

*S1246-SMRQ-152(e1) v1*

*\*Sara Kamprath, Policy Analyst to the House and Senate Education Committees, substantially contributed to this bill.*

**HOUSE EDUCATION COMMITTEE**  
**Room 643 LOB**  
**Co-Chairs, Representatives Larry Bell and Marvin W. Lucas**  
**Representative Marvin W. Lucas, Presiding**  
**11:00 A.M.**  
**Tuesday, June 29, 2010**

Representative Lucas declared a quorum, called the meeting to order and thanked everyone for coming. The House Pages and Sergeant-at-Arms were introduced, along with committee clerks and staff. Member attendance is attached.

**HB 1669 – Require Use EVAAS in Schools – This bill was passed out of the House and the Senate. The Senate made a change and if this committee needs to concur or not to concur with the Senate amendment. Representative Bell moves that the committee concur with the change made by the Senate. The committee concurs.**

**SB 1244 – SBOE Members Ex Officio to Economic Development Commission sponsored by Senator Swindell. There is a PCS and Representative Womble moves the PCS is before the committee for discussion. The motion passes. Representative Glazier explains the bill. There were comments by Representatives Womble and he is also recognized for a motion. Representative Womble moves for a favorable report to the PCS, unfavorable to the original. The committee concurs and the motion passes.**

**SB 1201 – Additional Flexibility/Cooperative Innovative High Schools sponsored by Senator Swindell. Representative Glazier explains the bill. There was a question by Representative Avila. Representative Carney moves for a favorable report for SB 1201. The committee concurs and the motion passes.**

**SB 1202 – Career Academies as Cooperative High School sponsored by Senator Swindell. Representative Glazier explains the bill. Representative Cotham moves for a favorable report. The committee concurs and the motion passes.**

**SB 1152 – Study Child Nutrition Program, sponsored by Senator Purcell. Senator Purcell explains the bill. There were comments/questions by Representatives Fisher, Tarleton, Blackwood, McCormick, Wiley, and Insko. Representative Fisher moves for a favorable report and to be referred to the Committee on Health. The committee concurs and the motion passes.**

**SB 1246 – Four-Year Cohort Graduation Rate, sponsored by Senator Davis. Representative Parmon explains the bill. Representative Folwell has a clarifying amendment. Question by Representative Glazier. Representative Blackwood moves to adopt amendment and the amendment is adopted. Representative Gill has an amendment.**

Representative Bryant has a perfecting amendment and moves that it be adopted. The perfecting amendment is adopted. There were comments/questions by Representatives Blackwell, Michaux, Tarleton, Wilkins, Avila, and Mr. Adam Levinson, Policy and Strategic Planning with Department of Public Instruction. Representative E. Floyd moves to adopt the amendment. Representative Adams moves for a favorable report as amended, unfavorable to the original and to be referred to State Government/State Personnel. The committee concurs and the motion passes.

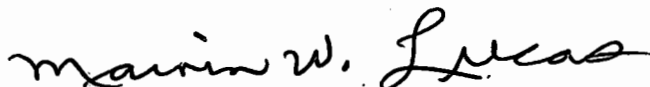
SB 1323 – Amend SEAA Board Membership, sponsored by Senator Stevens. Senator Stevens explains the bill. Representative Carney moves for a favorable report. The committee concurs and the motion passes.

HB 1757 – Fitness Testing in Schools, sponsored by Representative Insko. Representative Insko explains the bill. Question by Representative Blackwood. Representative Insko has an amendment and moves for adoption. The committee concurs and the amendment is adopted. There were comments/questions by Representative Dollar, Dr. Ron Morrow, NC AAHPERD, Representatives Avila, Bordsen, and Ms. Paula Hudson Collins, DPI. Representative Cleveland moves for a favorable report as amended. The committee concurs and the motion passes.

HB 1841 – Moore County School Board Police, sponsored by Representative Boles. Representative Boles explained the bill. There were comments/questions by Representatives Hilton, McCormick, Alexander, Womble and Wiley. Representative Hilton moves for a favorable report. The committee concurs and the motion passes.

Meeting adjourned at 11:52 a.m.

Respectfully submitted,



Marvin W. Lucas, Chair



Thelma T. Utley, Committee Assistant

**Corrected Notice**  
**Add HB 1669, HB 1757, and HB 1841**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES**  
**COMMITTEE MEETING NOTICE**  
**AND**  
**BILL SPONSOR NOTIFICATION**  
**2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Tuesday, June 29, 2010

**TIME:** 11:00 am

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 1669	Require Use EVAAS in Schools.	Representative McLawhorn Representative Fisher Representative Lucas Representative Tolson
HB 1757	Fitness Testing in Schools.	Representative Insko Representative Bell Representative Rapp Representative Yongue Representative Boles, Jr.
HB 1841	Moore County School Board Police.	Senator Purcell
SB 1152	Study Child Nutrition Program.	Senator Swindell IV
SB 1201	Add'l Flex./Coop. Innovative High Schools.	
SB 1202	Career Acad. as Coop. Innov. High School.	Senator Swindell IV
SB 1244	SBOE Members Ex Officio to Econ. Dev. Comm.	Senator Swindell IV
SB 1246	Four-Year Cohort Graduation Rate.	Senator Davis
SB 1323	Amend SEAA Board Membership.	Senator Stevens

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 14 o'clock on **June 28, 2009**.

- ☐ Principal Clerk
- ☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Tuesday, June 29, 2010**  
**11:00 am**  
**643 LOB**

**Representatives Larry Bell and Marvin W. Lucas, Chairs**  
**Representative Marvin W. Lucas**  
**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

SB 1244	SBOE Members Ex Officio to Econ. Dev. Comm.	Senator Swindell IV
SB 1201	Add'l Flex./Coop. Innovative High Schools.	Senator Swindell IV
SB 1202	Career Acad. as Coop. Innov. High School.	Senator Swindell IV
SB 1152	Study Child Nutrition Program	Senator Purcell
SB 1246	Four-Year Cohort Graduation Rate.	Senator Davis
SB 1323	Amend SEAA Board Membership.	Senator Stevens
HB 1669	Require Use EVAAS in Schools.	Reps. McLawhorn, Fisher, Lucas, Tolson
HB 1757	Fitness Testing in Schools.	Reps. Insko, Bell, Rapp, Yongue
HB 1841	Moore County School Board Police.	Representative Boles, Jr.

**Adjournment**



HOUSE PAGES

Education

NAME OF COMMITTEE

DATE

6/

1. Name:

Dusk Stroud

Siobhan Whipp

County:

Lenior

Mecklenburg

Sponsor:

Van Braxton

Jim Gulley

2. Name:

Andy Steffan

Dee Evans

County:

Caswell

Person

Sponsor:

Hugh Holliman

Wilkins

3. Name:

Frazier Robinson

Michael Thorpe

County:

Guilford

Chatham

Sponsor:

Blust

Hackney

4. Name:

Spencer Pegg

County:

Stanly

Sponsor:

Paul Stam

5. Name:

Preston Faulk (Preston)

County:

Lee

Sponsor:

Warren

SGT-AT-ARM

1. Name:

MARVIN LEE

2. Name:

MARTHA PARRISH

3. Name:

John Brannon

4. Name:

Trey RALEY

Suey TURNER

# VISITOR REGISTRATION SHEET

EDUCATION

June 29, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Joanne Stevens	Stevens & Assoc.
W. Gann Cooper	NCNA
Jim Stegall	U.C.P.S.
W. H. Huddell	TPG
Del Raymond	CMS
Julia Adams	The Arc of NC
Kerry Swearingen	SAS
DWIGHT BRENNOWER	MILITARY INDUSTRIAL COMPLEX
Amy McConkey	NC Bev Assoc
Melissa Atkinson	SAS
Don McConquodale	SAS

## VISITOR REGISTRATION SHEET

EDUCATION

June 29, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Adam Levinson	NCDPI
Paula Hudson Collins	DPI/SBE
Kelie Skyy	JLF
Ms. Moffitt	NCAI
Beth Kincaid	JLF
Cameron Lambe	JLF
Adrienne Dunn	JLF
Amanda Vuke	JLF
Sara Higgins	JLF
Ian Davis	JLF
Eric Moore	DPI

# VISITOR REGISTRATION SHEET

EDUCATION

June 29, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Chris Cody	DPI
Jennifer Preston	NCDPI
Joel McFarland	NCDPI
Elizabeth Ireland	Covenant with NC's Children
Erica Nelson	NCCCP
James Cencer	Rep Jeffus
Sett Palmer	Ofc of Lt Governor
Mike McLaughlin	Office of Lt. Governor
Katherine Joyce	NCAASA
Joe Harrison	WCPSS
James Lewis	Public School Forum

## VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ed Tunlington	Brooks Pierce etc. ....
CSK 11.2	TSS
Don Wynn	NCSEA
Poe Sawitt	NO COO
Jonah Harnan	Rep. Luebke
Quint	SA
Fred Aikens	The Aikens' Group LLC
Andrew Meehan	Capstrat
Leslie Coman	Capstrat
Bob Hall	Democracy NC
Henry Jones	Attorney Raleigh

# VISITOR REGISTRATION SHEET

EDUCATION

June 29, 2010

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ron Morrow	NCAHPERD
Nathan Acosta	NCAHPERD
Henry Autaff	Coca Cola
Craig Horn	member-elect, Dist 68
Brian Dempsey	MWC
Pam Seaman	NC Alliance for Health
Stephane Kass	Rep Trillo's office
Mike Latta	NCE
Dick Carlton	atky
Cassan McCrack	Appalachian State Univ.
Perry Kniff	school of busi

# VISITOR REGISTRATION SHEET

EDUCATION

June 29, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Jennifer Willis

NCCS

Zac Enale

Greensboro

Charles Perkins

Perkins Law

Brian Lewis

NCAE

Tom V. Magallon

AFC

Tracy Kimbrell

Parker Poe

Bruce Thompson

Parkside Post

Tom McKittrick

Forsite Development

Chris Neaville

Withers & Ravenell

Bob Bode

Bob Cull & Strong

Matthew Fisher

Smith Anderson

## VISITOR REGISTRATION SHEET

EDUCATION

June 29, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

Butch Gunnelly

NOBer A



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1244\*  
Education/Higher Education Committee Substitute Adopted 6/16/10  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1244-PCS65088-TC-80**

Short Title: SBOE Members Ex Officio to Econ. Dev. Comm.

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED  
AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX  
OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN  
ECONOMIC DEVELOPMENT REGIONS, AND TO ADD THE SECRETARY OF THE  
DEPARTMENT OF CULTURAL RESOURCES AS A NONVOTING EX OFFICIO  
MEMBER OF THE ECONOMIC DEVELOPMENT BOARD.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 158-8.1 reads as rewritten:

**"§ 158-8.1. Creation of Western North Carolina Regional Economic Development  
Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Seven members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

...."

**SECTION 2.** G.S. 158-8.2 reads as rewritten:

**"§ 158-8.2. Creation of North Carolina's Northeast Commission.**



\* S 1 2 4 4 - P C S 6 5 0 8 8 - T C - 8 0 \*

(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

(b1) The member of the State Board of Education appointed to represent the first education district shall serve as a nonvoting ex officio member of the Commission.

...."

**SECTION 3. G.S. 158-8.3 reads as rewritten:**

**"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.**

(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 15 members appointed as follows:

(1) Three members shall be appointed by the Governor;

(2) Two members shall be appointed by the Lieutenant Governor;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and

(4) Five members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The member of the State Board of Education appointed to represent the fourth education district shall serve as a nonvoting ex officio member of the Commission.

...."

SECTION 4. Article 2 of Chapter 158 of the General Statutes is amended by adding a new section to read:

**"§ 158-8.4A. State Board of Education members as ex officio commission members.**

As a condition on the receipt of State funds, the member of the State Board of Education appointed to represent the designated education district shall serve as a member of the following Commissions:

- (1) Charlotte Regional Partnership, Inc. – The State Board of Education member appointed to represent the sixth education district shall serve as a nonvoting ex officio member of the Commission.
- (2) Piedmont Triad Regional Partnership. – The State Board of Education member appointed to represent the fifth education district shall serve as a nonvoting ex officio member of the Commission.
- (3) Research Triangle Regional Partnership. – The State Board of Education member appointed to represent the third education district shall serve as a nonvoting ex officio member of the Commission."

SECTION 5. G.S. 158-35 reads as rewritten:

**"§ 158-35. Commission membership, officers, compensation.**

(a) Commission Membership. – The governing body of the Region is the Commission. The members of the Commission must be residents of the Region and shall be appointed as follows:

- (1) The board of commissioners of each county participating in the Region shall, in consultation with the county's local business community, appoint one member.
- (2), (3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.
- (4) The General Assembly shall appoint two members to the Commission on the recommendation of the Speaker of the House of Representatives and two members on the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Governor shall appoint two members to the Commission. No two members appointed under this subdivision may be residents of the same county. The President Pro Tempore of the Senate, Speaker of the House of Representatives, and the Governor shall consult to assist in geographic diversity in those six appointments. In order to be eligible for appointment under this subdivision, a person must be a resident of the region. No person appointed under this subdivision is eligible to be chairperson or vice-chairperson.

(a1) Ex Officio Member. – The member of the State Board of Education appointed to represent the second education district shall serve as a nonvoting ex officio member of the Commission.

...."

SECTION 6. G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of 37~~38~~ members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. The Secretary of the Department of Cultural Resources shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board. Effective with the terms beginning July 1, 1997, one of the Governor's

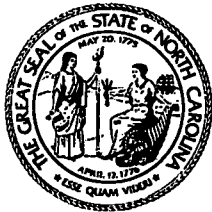
1 appointees shall be a representative of a nonprofit organization involved in economic  
2 development and two of the Governor's appointees shall be county economic development  
3 representatives. The Governor shall designate a chair and a vice-chair from among the  
4 members of the Board. Appointments to the Board made by the Governor for terms beginning  
5 July 1, 1997, and appointments to the Board made by the Speaker of the House of  
6 Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993,  
7 should reflect the ethnic and gender diversity of the State as nearly as practical.

8 The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the  
9 initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial  
10 appointments made by the Speaker of the House of Representatives and by the President Pro  
11 Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995;  
12 the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term,  
13 of four years.

14 The appointing officer shall make a replacement appointment to serve for the unexpired  
15 term in the case of a vacancy.

16 The members of the Economic Development Board shall receive per diem and necessary  
17 travel and subsistence expenses payable to members of State Boards and agencies generally  
18 pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic  
19 Development Board who are members of the General Assembly shall not receive per diem but  
20 shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

21 **SECTION 7.** This act is effective when it becomes law.



## SENATE BILL 1244: SBOE Members Ex Officio to Econ. Dev. Comm

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Swindell  
**Analysis of:** PCS to Second Edition  
S1244-CSTC-80

**Date:** June 29, 2010  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *SB 1244 would add the State Board of Education members who represent the eight education regions as ex officio, non-voting members of the Commission for each of the seven economic development regions.*

*The PCS would add the Secretary of the Department of Cultural Resources as an ex officio, non-voting member of the Economic Development Board located in the Department of Commerce.*

[As introduced, this bill was identical to H1826, as introduced by Rep. Yongue, which is currently in House Commerce, Small Business, and Entrepreneurship.]

**BILL ANALYSIS:** SB 1244 would make the State Board of Education members representing the following education districts ex officio non-voting members of the following economic development commissions.

- Education District 1: North Carolina's Northeast Commission
- Education District 2: North Carolina's Eastern Region
- Education District 3: Research Triangle Regional Partnership
- Education District 4: Southeastern North Carolina Regional Economic Development Commission
- Education District 5: Piedmont Triad Partnership
- Education District 6: Charlotte Regional Partnership, Inc.
- Education Districts 7 and 8: Western North Carolina Regional Economic Development Commission

For the three economic development regions not created in statute, SB 1244 makes inclusion of the State Board of Education member as an ex officio non-voting member on the Commission a condition for the receipt of State funds.

The PCS for SB 1244 would add the Secretary of the Department of Cultural Resources as an ex officio non-voting member of the Economic Development Board located within the Department of Commerce.

**CURRENT LAW:** **Regional Economic Development Commissions:** Currently there are seven regional economic development commissions in North Carolina. Economic development commissions have the power to formulate projects for carrying out economic development programs received from planning boards in the area, conduct surveys, advertise, and furnish advice and assistance to business and industry, encourage the formation of private business development corporations to carry out such projects, and use grant funds to make loans permitted by the federal government.

Four of these regional economic development commissions are created by statute as follows:

- G.S. 158-8.1 creates the **Western North Carolina Regional Economic Development Commission**, which includes Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties. The counties of Alleghany, Ashe, Avery, Burke, Caldwell, Mitchell, Watauga, and Wilkes have also been assigned to this region.
- G.S. 158-8.2 creates the **North Carolina's Northeast Commission**, which includes Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrell and Washington Counties.

# Senate Bill 1244

Page 2

- G.S. 158-8.3 creates the **Southeastern North Carolina Regional Economic Development Commission** which includes Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties.
- G.S. 158-35 creates the **Commission for North Carolina's Eastern Region**, which includes Carteret, Craven, Duplin, Edgecombe, Greene, Jones, Lenoir, Nash, Onslow, Pamlico, Pitt, Wayne, and Wilson.

Three of the regional economic development commissions have been created by local governments in those regions, as authorized by G.S. 158-8. They are as follows:

- **Charlotte Regional Partnership, Inc.**, which includes Alexander, Anson, Cabarrus, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union Counties.
- **Piedmont Triad Partnership**, which includes Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties.
- **Research Triangle Regional Partnership**, which includes Chatham, Durham, Franklin, Granville, Harnett, Johnston, Lee, Moore, Orange, Person, Vance, Wake, and Warren Counties.

As a condition for receipt of State funds, these regional economic development commissions are required to comply with certain annual reporting requirements and other uniform standards.

**State Board of Education:** Article IX, Section 4 of the North Carolina Constitution requires the Governor to appoint 11 members to the State Board of Education. One member must be appointed from each of the eight education districts and three members are appointed at large. G.S. 115C-68 divides the State into the following 8 Education Districts:

**District 1:** Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

**District 2:** Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Sampson, Wayne.

**District 3:** Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Nash, Northampton, Vance, Wake, Warren, Wilson.

**District 4:** Bladen, Columbus, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, Robeson, Scotland.

**District 5:** Alamance, Caswell, Chatham, Davidson, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes.

**District 6:** Anson, Cabarrus, Cleveland, Gaston, Lincoln, Mecklenburg, Stanly, Union.

**District 7:** Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Davie, Iredell, Rowan, Surry, Watauga, Wilkes, Yadkin.

**District 8:** Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey.

**Economic Development Board:** The Economic Development Board is located within the Department of Commerce as provides economic and community development planning for the State, makes recommendations on economic development policy, and develops a comprehensive strategic economic development plan. The Board consists of 37 members, including the Secretary of Commerce, members appointed by the House, Senate, and Governor, the President of the UNC System, the President of the NC Community College System, the Secretary of State, and the President of the Senate. The Secretary of Revenue serves as an ex officio non-voting member.

**EFFECTIVE DATE:** The PCS for SB 1244 would become effective when it becomes law.

SI244-SMTC-158(CSTC-80) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1244\***  
**Education/Higher Education Committee Substitute Adopted 6/16/10**  
**PROPOSED HOUSE COMMITTEE SUBSTITUTE S1244-CSTC-80 [v.3]**

6/25/2010 8:50:32 AM

Short Title: SBOE Members Ex Officio to Econ. Dev. Comm.

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AND TO ADD THE SECRETARY OF THE DEPARTMENT OF CULTURAL RESOURCES AS A NONVOTING EX OFFICIO MEMBER OF THE ECONOMIC DEVELOPMENT BOARD.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 158-8.1 reads as rewritten:

**"§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.**

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Seven members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

...."

**SECTION 2.** G.S. 158-8.2 reads as rewritten:

**"§ 158-8.2. Creation of North Carolina's Northeast Commission.**



(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

(b1) The member of the State Board of Education appointed to represent the first education district shall serve as a nonvoting ex officio member of the Commission.

...."

**SECTION 3.** G.S. 158-8.3 reads as rewritten:

**"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.**

(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 15 members appointed as follows:

(1) Three members shall be appointed by the Governor;

(2) Two members shall be appointed by the Lieutenant Governor;

(3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and

(4) Five members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The member of the State Board of Education appointed to represent the fourth education district shall serve as a nonvoting ex officio member of the Commission.

...."



SECTION 4. Article 2 of Chapter 158 of the General Statutes is amended by adding a new section to read:

**"§ 158-8.4A. State Board of Education members as ex officio commission members.**

As a condition on the receipt of State funds, the member of the State Board of Education appointed to represent the designated education district shall serve as a member of the following Commissions:

- (1) Charlotte Regional Partnership, Inc. – The State Board of Education member appointed to represent the sixth education district shall serve as a nonvoting ex officio member of the Commission.
- (2) Piedmont Triad Regional Partnership. – The State Board of Education member appointed to represent the fifth education district shall serve as a nonvoting ex officio member of the Commission.
- (3) Research Triangle Regional Partnership. – The State Board of Education member appointed to represent the third education district shall serve as a nonvoting ex officio member of the Commission."

SECTION 5. G.S. 158-35 reads as rewritten:

**"§ 158-35. Commission membership, officers, compensation.**

(a) Commission Membership. – The governing body of the Region is the Commission. The members of the Commission must be residents of the Region and shall be appointed as follows:

- (1) The board of commissioners of each county participating in the Region shall, in consultation with the county's local business community, appoint one member.
- (2), (3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.
- (4) The General Assembly shall appoint two members to the Commission on the recommendation of the Speaker of the House of Representatives and two members on the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Governor shall appoint two members to the Commission. No two members appointed under this subdivision may be residents of the same county. The President Pro Tempore of the Senate, Speaker of the House of Representatives, and the Governor shall consult to assist in geographic diversity in those six appointments. In order to be eligible for appointment under this subdivision, a person must be a resident of the region. No person appointed under this subdivision is eligible to be chairperson or vice-chairperson.

(a1) Ex Officio Member. – The member of the State Board of Education appointed to represent the second education district shall serve as a nonvoting ex officio member of the Commission.

...."

SECTION 6. G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~37~~<sup>38</sup> members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. The Secretary of the Department of Cultural Resources shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board. Effective with the terms beginning July 1, 1997, one of the Governor's

1 appointees shall be a representative of a nonprofit organization involved in economic  
2 development and two of the Governor's appointees shall be county economic development  
3 representatives. The Governor shall designate a chair and a vice-chair from among the  
4 members of the Board. Appointments to the Board made by the Governor for terms beginning  
5 July 1, 1997, and appointments to the Board made by the Speaker of the House of  
6 Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993,  
7 should reflect the ethnic and gender diversity of the State as nearly as practical.

8 The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the  
9 initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial  
10 appointments made by the Speaker of the House of Representatives and by the President Pro  
11 Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995;  
12 the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term  
13 of four years.

14 The appointing officer shall make a replacement appointment to serve for the unexpired  
15 term in the case of a vacancy.

16 The members of the Economic Development Board shall receive per diem and  
17 necessary travel and subsistence expenses payable to members of State Boards and agencies  
18 generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the  
19 Economic Development Board who are members of the General Assembly shall not receive per  
20 diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S.  
21 120-3.1."

22 **SECTION 7.** This act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 1244**

A BILL TO BE ENTITLED AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1201\*  
Education/Higher Education Committee Substitute Adopted 6/16/10**

Short Title: Add'l Flex./Coop. Innovative High Schools.

(Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL OPERATING FLEXIBILITY TO COOPERATIVE INNOVATIVE HIGH SCHOOLS, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.53(f) reads as rewritten:

"(f) Except as provided in this Part and under the terms of the ~~agreement~~, agreement:

(1) A program shall have the same exemptions from statutes and rules as charter schools operating under Part 6A of this Article, other than those pertaining to personnel.

(2) A program may be exempted by the State Board of Education or by the applicable governing Board from laws and rules applicable to a local board of education, a local school administrative unit, a community college, a constituent institution, or a local board of trustees."

**SECTION 2.** This act is effective when it becomes law and applies beginning with the 2010-2011 school year.



\* S 1 2 0 1 - V - 2 \*



## SENATE BILL 1201: Add'l Flex./Coop. Innovative High Schools

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Swindell  
**Analysis of:** Second Edition

**Date:** June 29, 2010  
**Prepared by:** Shirley Iorio, Ph D  
Legislative Analyst

**SUMMARY:** *Senate Bill 1201 would provide additional operating flexibility to Cooperative Innovative High Schools. This act is a recommendation of the Joint Legislative Joining Our Businesses and Schools Study Commission (JOBS Commission).*

[As introduced, this bill was identical to H1719, as introduced by Reps. Braxton, Glazier, Yongue, which is currently in House Education, if favorable, Appropriations.]

**CURRENT LAW:** G.S. 115C-238.53 sets out some of the parameters for operating programs approved as Cooperative Innovative High School Programs including flexibility from laws and rules applicable to most high schools. The purpose of the Cooperative Innovative High School Programs Act is to authorize local boards of education to jointly establish with one or more boards of trustees cooperative innovative programs in high schools and colleges or universities that would expand students' opportunities for educational success through high quality instructional programming.

**BILL ANALYSIS:** Currently, programs approved under Part 9, Article 16 of Chapter 115C as cooperative innovative high schools may be exempted by the applicable governing board from laws and rules applicable to a local board of education, a local school administrative unit, a community college, a constituent institution, or a local board of trustees. Senate Bill 1201 would add language to provide maximum flexibility in implementing different and innovative programs by clarifying that these programs have the same exemptions from statutes and rules as charter schools, except for those pertaining to personnel.

**EFFECTIVE DATE:** The act would become effective when it becomes law and would apply beginning with the 2010-2011 school year.

**BACKGROUND:** Senate Bill 1201 is a recommendation of the Joint Legislative Joining Our Businesses and Schools Commission (JOBS Commission). The JOBS Commission recommended that schools approved as Cooperative Innovative High School Programs be provided maximum flexibility in implementing different and innovative educational programs to accomplish the goals of those schools.

The JOBS Commission, as an extension of the work that was begun in 2003 with the passage of the Innovative Education Initiatives Act, was charged with studying issues related to economic development, and the benefit workforce development and preparation might derive from the implementation of innovative high schools.

The Innovative Education Initiatives Act gave a statewide impetus to the creation of Early College High Schools. Early College High Schools are high schools with an academically rigorous course of study where students can graduate with both a high school diploma, as well as an Associate in Art or Science degree for college transfer, an Associate in Applied Science for career and technical skills, or two years of university transfer credit.

SI201-SMSF-125(e2) v1

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 1201**

A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL  
OPERATING FLEXIBILITY TO COOPERATIVE INNOVATIVE HIGH SCHOOLS, AS  
RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND  
SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 1202\*

Short Title: Career Acad. as Coop. Innov. High School. (Public)

Sponsors: Senators Swindell, Foriest, Brown; Atwater, Davis, Goss, Hartsell, Purcell, and Snow.

Referred to: Education/Higher Education.

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO EXPAND MODELS OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS TO INCLUDE FIVE-YEAR CAREER ACADEMIES WITHIN EXISTING SCHOOLS AND TO REQUIRE THAT CAREER ACADEMIES APPROVED AS COOPERATIVE INNOVATIVE HIGH SCHOOLS NOT RECEIVE A SEPARATE SCHOOL CODE AND THAT RECORDS BE MAINTAINED FOR STUDENTS ENROLLED IN THE CAREER ACADEMIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-238.50(e) reads as rewritten:

"(e) Cooperative innovative high school programs may include the creation of a school within a school, a technical high school, ~~or a high school or technical center located on the campus of a college or university.~~ university, or a five-year career academy operating as part of an existing high school."

**SECTION 2.** G.S. 115C-238.54 reads as rewritten:

**"§ 115C-238.54. Funds for programs.**

(a) The Department of Public Instruction shall assign a school code for each program that is approved under this Part. ~~Part, with the exception of a five-year career academy operating as part of an existing high school, which shall continue to use the existing school code.~~ All positions and other State and federal allotments that are generated for this program shall be assigned to that school code. Notwithstanding G.S. 115C-105.25, once funds are assigned to that school code, the local board of education may use these funds for the program and may transfer these funds between funding allotment categories.

(a1) A five-year career academy operating as part of an existing high school shall maintain records to identify and evaluate students enrolled in the five-year career academy program distinct from the general school population.

..."

**SECTION 3.** This act is effective when it becomes law and applies beginning with the 2010-2011 school year.



\* S 1 2 0 2 - V - 1 \*



## SENATE BILL 1202: Career Acad. as Coop. Innov. High School

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Swindell  
**Analysis of:** First Edition

**Date:** June 29, 2010  
**Prepared by:** Kara McCraw  
Committee Counsel

**SUMMARY:** *SB 1202 would add five-year career academies operating within an existing school to the current models of cooperative innovative high school programs. The five-year career academy would continue to use the existing school code assigned by the Department of Public Instruction and would maintain records to identify and evaluate students in the program. SB 1202 is a recommendation of the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission.*

[As introduced, this bill was identical to H1700, as introduced by Reps. Glazier, Yongue, Braxton, which is currently in House Appropriations.]

**CURRENT LAW:** Part 9 of Article 16 of Chapter 115C (Cooperative Innovative High School Programs) authorizes local boards of education to jointly establish with one or more boards of trustees cooperative innovative programs in high schools and colleges or universities. The purpose of the programs is to expand students' opportunities for educational success through high-quality instructional programming. The programs must target (i) high school students who are at risk of dropping out of school before attaining a high school diploma, or (ii) high school students who would benefit from accelerated academic instruction.

The programs may include the creation of a school within a school, a technical high school, or a high school or technical center located on a college or university campus. Students are eligible to attend these programs as early as ninth grade.

An approved program is accountable to the local board of education but may be exempted from laws and rules applicable to a local board of education, a local school administrative unit, a community college, a constituent institution, or a local board of trustees except as otherwise provided by the act and the program agreement. A program operates under the terms of a signed written agreement for no more than five years.

The Department of Public Instruction shall assign a school code for each approved program. All positions and other State and federal allotments that are generated for this program shall be assigned to that school code. Once the funds are assigned, the local board may transfer these funds between funding allotment categories.

The State Board of Education and the governing Boards shall annually evaluate the success of students in the programs.

**BILL ANALYSIS:** SB 1202 would:

- Add five-year career academies operating as part of an existing high school as one of the types of programs that may be operated as a Cooperative Innovative High School Program.
- Require that approved five-year career academies operate under the existing school code and not be assigned a new school code.
- Require five-year career academies as part of an existing school to maintain records to evaluate and identify students enrolled in the program distinct for the general school population.

**EFFECTIVE DATE:** The act is effective when it becomes law and applies beginning with the 2010-2011 school year.

*\*This bill summary was substantially contributed to by Sara Kamprath, Legislative Analyst.*

S1202-SMTC-159(e1) v2

Research Division

O. Walker Reagan, Director

(919) 733-2578



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 1202**

A BILL TO BE ENTITLED AN ACT TO EXPAND MODELS OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS TO INCLUDE FIVE-YEAR CAREER ACADEMIES WITHIN EXISTING SCHOOLS AND TO REQUIRE THAT CAREER ACADEMIES APPROVED AS COOPERATIVE INNOVATIVE HIGH SCHOOLS NOT RECEIVE A SEPARATE SCHOOL CODE AND THAT RECORDS BE MAINTAINED FOR STUDENTS ENROLLED IN THE CAREER ACADEMIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**1**

**SENATE BILL 1152\***

Short Title: Study Child Nutrition Program.

(Public)

Sponsors: Senators Purcell, Dannelly, Davis, Preston, Tillman, and Walters.

Referred to: Health Care.

May 17, 2010

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION  
OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION  
TO STUDY INDIRECT COSTS UNDER CHILD NUTRITION PROGRAMS, AS  
RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD  
OBESITY.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Joint Legislative Program Evaluation Oversight Committee shall include in the 2010 Work Plan for the Program Evaluation Division of the General Assembly a study of the operation of the Child Nutrition Program. The Division shall examine (i) the guidelines for assessing indirect costs to local child nutrition programs in local school administrative units and (ii) the financial impact upon local child nutrition programs and local school administrative units of a policy prohibiting the assessment of indirect costs to a child nutrition program until that program has achieved and sustained a three-month operating balance.

**SECTION 1.(b)** The Program Evaluation Division shall submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee, to the Legislative Task Force on Childhood Obesity, if reestablished for the 2011-2012 Session, and to the Fiscal Research Division at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

**SECTION 2.** This act is effective when it becomes law.



\* S 1 1 5 2 - V - 1 \*



## SENATE BILL 1152: Study Child Nutrition Program

2009-2010 General Assembly

**Committee:** House Education, if favorable, Health  
**Introduced by:** Sen. Purcell  
**Analysis of:** First Edition

**Date:** June 22, 2010  
**Prepared by:** Shirley Iorio, Ph D\*  
Legislative Analyst

**SUMMARY:** *Senate Bill 1152 would direct the Program Evaluation Division to study the operation of the Child Nutrition Program, with particular attention to assessment of indirect costs to child nutrition programs in local school administrative units.*

[As introduced, this bill was identical to H1777, as introduced by Reps. Yongue, Brown, Insko, Parfitt, which is currently in House Health.]

**CURRENT LAW:** G.S. 115C-263 requires that "local boards of education shall provide to the extent practicable school food services in the schools under their jurisdiction." G.S. 115C-264(c) further provides that all school food services are to be a nonprofit operation and any earnings over and above the cost of operation must be used only to reduce the cost of food, to serve better food, or to provide free or reduced-price lunches to indigent children.

### **BILL ANALYSIS:**

**Section 1.(a)** would direct the Joint Legislative Program Evaluation Oversight Committee to include a study of the operation of the Child Nutrition Program in the 2010 work plan for the Program Evaluation Division, with specific direction to examine the following:

1. Guidelines for assessing indirect costs to local child nutrition programs in local school administrative units.
2. Financial impact on local child nutrition programs and local school administrative units (LEAs) of a policy prohibiting LEAs from assessing indirect costs until local child nutrition programs have achieved and sustained a three-month operating balance.

**Section 1.(b)** would direct the Program Evaluation Division to submit its findings and recommendations to the Joint Legislative Program Evaluation Oversight Committee, to the Legislative Task Force on Obesity (if reestablished for the 2011-2012 session), and to the Fiscal Research Division.

**EFFECTIVE DATE:** This act is effective when it becomes law.

**BACKGROUND:** Senate Bill 1152 is a recommendation of the Legislative Task Force on Childhood Obesity.

*Ben Popkin, counsel to the Senate Health Care Committee, and Sara Kamprath, Legislative Analyst, substantially contributed to this summary.*

S1152-SMSF-120(e1) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 1152**

A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY INDIRECT COSTS UNDER CHILD NUTRITION PROGRAMS, AS RECOMMENDED BY THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on HEALTH.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2009

S

1

SENATE BILL 1246\*

Short Title: Four-Year Cohort Graduation Rate.

(Public)

Sponsors: Senators Davis; Atwater, Bingham, Blue, Boseman, Dorsett, Foriest, Graham, Jenkins, Jones, McKissick, Queen, Snow, Swindell, and Tillman.

Referred to: Education/Higher Education.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A GROWTH MODEL FOR ESTABLISHING SHORT-TERM ANNUAL GOALS FOR IMPROVING THE FOUR-YEAR COHORT GRADUATION RATE, AND TO ESTABLISH A LONG-TERM GOAL OF INCREASING THE STATEWIDE FOUR-YEAR COHORT GRADUATION RATE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Prior to the 2010-2011 school year, the State Board of Education shall:

- (1) Develop a growth model establishing annual goals for continuous and substantial improvement in the four-year cohort graduation rate by local school-administrative units.
- (2) Establish as a short-term goal that local school administrative units meet the annual growth model goals for improvement in the four-year cohort graduation rate beginning with the graduating class of 2011 and continuing annually thereafter.
- (3) Establish as a long-term goal a statewide four-year cohort graduation rate of ninety percent (90%) by 2016.

**SECTION 2.** This act is effective when it becomes law.





## SENATE BILL 1246: Four-Year Cohort Graduation Rate

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Davis  
**Analysis of:** First Edition

**Date:** June 22 2010  
**Prepared by:** Drupti Chauhan\*  
Committee Counsel

**SUMMARY:** *Senate Bill 1246 would direct the State Board of Education to develop a growth model for establishing short-term annual goals for improving the four-year cohort graduation rate and to establish a long-term Statewide four-year cohort graduation rate. The bill is a recommendation of the Joint Legislative Commission on Dropout Prevention and High School Graduation.*

[As introduced, this bill was identical to H1877, as introduced by Reps. Parmon, Bryant, Hurley, Hall, which is currently in House Education.]

**BILL ANALYSIS:** Senate Bill 1246 would direct the State Board to do the following before the beginning of the 2010-2011 school year:

- Develop a growth model that establishes for local school administrative units annual goals for continuous and substantial improvement in the four-year cohort graduation rate
- Establish as a short-term goal that LEAs must meet the annual four-year cohort graduation rate improvement goals beginning with the graduating class of 2011
- Establish as a long-term goal a four-year cohort graduation rate of 90% by 2016

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**BACKGROUND:** Although no bill was introduced, the Joint Legislative Commission on Dropout Prevention and High School Graduation made the same recommendation to the 2009 General Assembly but no action was taken.

*S1246-SMRQ-152(e1) v1*

*\*Sara Kamprath, Policy Analyst to the House and Senate Education Committees, substantially contributed to this bill.*



**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**Senate Bill 1246\***

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S1246-ATC-70 [v.4]

Page 1 of 2

Comm. Sub. [NO]  
Amends Title [YES]  
First Edition

Date \_\_\_\_\_, 2010

Representative Folwell

1 moves to amend the bill on page 1, line 6, by rewriting that line to read:

2  
3  
4 "GRADUATION RATE, AND TO ALLOW MILITARY DEPENDANTS WHOSE  
5 PARENTS ARE DEPLOYED TO ATTEND SCHOOL BEFORE THE AGE OF FIVE IN  
6 NORTH CAROLINA IF ELIGIBLE IN THE STATE WHERE THE CHILD'S PARENT IS  
7 PERMANENTLY STATIONED.",  
8  
9

10 And on page 1, lines 18-19, by inserting between those lines the following section:

11  
12 "SECTION 2. G.S. 115-364(a) reads as rewritten:

13 '(a) A child who is presented for enrollment at any time during the first 120 days of a  
14 school year is entitled to initial entry into the public schools if:

15 (1) The child reaches or reached the age of 5 on or before August 31 of that  
16 school year; or

17 (2) The child did not reach the age of 5 on or before August 31 of that school  
18 year, but has been attending school during that school year in another state in  
19 accordance with the laws or rules of that state before the child moved to and  
20 became a resident of North Carolina.

21 (3) The child did not reach the age of 5 on or before August 31 of that school  
22 year, but would be eligible to attend school during that school year in  
23 another state in accordance with the laws or rules of that state, if all of the  
24 following apply:

25 a. The child's parent is a legal resident of North Carolina who is an  
26 active member of the uniformed services assigned to a permanent  
27 duty station in another state.

28 b. The child's parent is the sole legal custodian of the child.

29 c. The child's parent is deployed for duty away from the permanent  
30 duty station.

31 d. The child resides with an adult who is a domiciliary of a local  
32 school administrative unit in North Carolina as a result of the  
33 parent's deployment away from the permanent duty station."



\* S 1 2 4 6 - A T C - 7 0 - V - 4 \*

**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**Senate Bill 1246\***

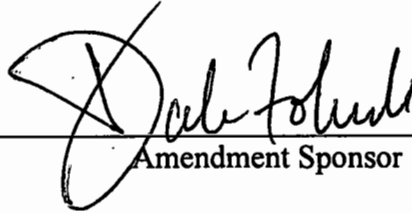
AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S1246-ATC-70 [v.4]

Page 2 of 2

1  
2 and by renumbering the remaining section accordingly.  
3  
4

SIGNED \_\_\_\_\_



Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_





NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1246\*

S1246-ARQ-38 [v.1]

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

Page 1 of 1

Comm. Sub. [NO]  
Amends Title [NO]  
First Edition


Date \_\_\_\_\_, 2010

Representative Gill

1 moves to amend the bill on page 1, lines 17-18 by rewriting the lines to read:

2  
3 "(3) Establish as a long-term goal with benchmarks and recommendations to reach a  
4 Statewide four-year cohort graduation rate of one hundred percent (100%)."  
5  
6

SIGNED

  
Amendment Sponsor

SIGNED

\_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED



\* S 1 2 4 6 - A R Q - 3 8 - V - 1 \*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 1246**

A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A GROWTH MODEL FOR ESTABLISHING SHORT-TERM ANNUAL GOALS FOR IMPROVING THE FOUR-YEAR COHORT GRADUATION RATE, AND TO ESTABLISH A LONG-TERM GOAL OF INCREASING THE STATEWIDE FOUR-YEAR COHORT GRADUATION RATE.

☒ With a favorable report as to the House committee substitute bill, which changes the title, unfavorable as to the original Senate bill.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**D**

**SENATE BILL 1246\*  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1246-PCS15413-RQ-57**

Short Title: Four-Year Cohort Graduation Rate.

(Public)

Sponsors:

Referred to:

May 20, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP A GROWTH  
3 MODEL FOR ESTABLISHING SHORT-TERM ANNUAL GOALS FOR IMPROVING  
4 THE FOUR-YEAR COHORT GRADUATION RATE, TO ESTABLISH A LONG-TERM  
5 GOAL OF INCREASING THE STATEWIDE FOUR-YEAR COHORT GRADUATION  
6 RATE, AND TO ALLOW MILITARY DEPENDANTS WHOSE PARENTS ARE  
7 DEPLOYED TO ATTEND SCHOOL BEFORE THE AGE OF FIVE IN NORTH  
8 CAROLINA IF ELIGIBLE IN THE STATE WHERE THE CHILD'S PARENT IS  
9 PERMANENTLY STATIONED.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Prior to the 2010-2011 school year, the State Board of Education  
12 shall:

- 13 (1) Develop a growth model establishing annual goals for continuous and  
14 substantial improvement in the four-year cohort graduation rate by local  
15 school administrative units.
- 16 (2) Establish as a short-term goal that local school administrative units meet the  
17 annual growth model goals for improvement in the four-year cohort  
18 graduation rate beginning with the graduating class of 2011 and continuing  
19 annually thereafter.
- 20 (3) Establish as a long-term goal a statewide four-year cohort graduation rate of  
21 ninety percent (90%) by 2016.
- 22 (4) Establish as a long-term goal with benchmarks and recommendations to  
23 reach a statewide four-year cohort graduation rate of one hundred percent  
24 (100%).

25 **SECTION 2.** G.S. 115-364(a) is amended by adding a new subdivision to read:

26 "(a) A child who is presented for enrollment at any time during the first 120 days of a  
27 school year is entitled to initial entry into the public schools if:

- 28 (1) The child reaches or reached the age of five on or before August 31 of that  
29 school year; or
- 30 (2) The child did not reach the age of five on or before August 31 of that school  
31 year, but has been attending school during that school year in another state in  
32 accordance with the laws or rules of that state before the child moved to and  
33 became a resident of North Carolina.



(3) The child did not reach the age of five on or before August 31 of that school year, but would be eligible to attend school during that school year in another state in accordance with the laws or rules of that state, if all of the following apply:

a. The child's parent is a legal resident of North Carolina who is an active member of the uniformed services assigned to a permanent duty station in another state.

b. The child's parent is the sole legal custodian of the child.

c. The child's parent is deployed for duty away from the permanent duty station.

d. The child resides with an adult who is a domiciliary of a local school administrative unit in North Carolina as a result of the parent's deployment away from the permanent duty station."

**SECTION 3.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 1323\*

Short Title: Amend SEAA Board Membership.

(Public)

Sponsors: Senators Stevens, Dorsett, Foriest, Goodall, Vaughan; Allran, Atwater, and Bingham.

Referred to: Education/Higher Education.

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NUMBER AND COMPOSITION OF THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE STATE EDUCATION ASSISTANCE AUTHORITY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-203 reads as rewritten:

"§ 116-203. Authority created as subdivision of State; appointment, terms and removal of board of directors; officers; quorum; expenses and compensation of directors.

(a) Authority Created. – There is hereby created and constituted a political subdivision of the State to be known as the "State Education Assistance Authority." The exercise by the Authority of the powers conferred by this Article shall be deemed and held to be the performance of an essential governmental function.

~~The Authority shall be governed by a board of directors consisting of seven members, each of whom shall be appointed by the Governor. Two of the first members of the board appointed by the Governor shall be appointed for terms of one year, two for terms of two years, two for terms of three years, and one for a term of four years from the date of their appointment; and thereafter the members of the board shall be appointed for terms of four years. Vacancies in the membership of the board shall be filled by appointment of the Governor for the unexpired portion of the term. Members of the board shall be subject to removal from office in like manner as are State, county, town and district officers. Immediately after such appointment, the directors shall enter upon the performance of their duties. The board shall annually elect one of its members as chairman and another as vice chairman, and shall also elect annually a secretary, or a secretary treasurer, who may or may not be a member of the board. The chairman, or in his absence, the vice chairman, shall preside at all meetings of the board. In the absence of both the chairman and vice chairman, the board shall appoint a chairman pro tempore, who shall preside at such meetings. Four directors shall constitute a quorum for the transaction of the business of the Authority, and no vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The favorable vote of at least a majority of the members of the board present at any meeting is required for the adoption of any resolution or motion or for other official action. The members of the board are entitled to the travel expenses, subsistence allowances and compensation provided in G.S. 138-5. These expenses and compensation shall be paid from funds provided under this Article, or as otherwise provided.~~



\* S 1 3 2 3 - V - 1 \*

(b) Membership. – The Authority shall be governed by a board of directors consisting of nine members, seven of whom shall be appointed by the Governor and two of whom shall be ex officio. The members shall be as follows:

(1) Seven members appointed by the Governor, three of whom shall have expertise in secondary or higher education, two of whom shall have expertise in finance, one of whom shall be a member of the public at large with an interest in higher education, and one of whom shall be a chief financial officer from a college or university that is a member of North Carolina Independent Colleges and Universities, Inc., appointed upon the recommendation of North Carolina Independent Colleges and Universities, Inc.

(2) The chief financial officer of The University of North Carolina shall serve as an ex officio member.

(3) The chief financial officer of the North Carolina Community College System shall serve as an ex officio member.

(c) Terms. – Members appointed by the Governor shall serve for a term of four years and until their successors are appointed and duly qualified. Immediately after appointment, the directors shall enter upon the performance of their duties.

(d) Vacancies. – A vacancy in an appointment made by the Governor shall be filled by the Governor in the same manner as the original appointment for the remainder of the unexpired term.

(e) Removal. – The Governor may remove any member of the board of directors appointed by the Governor for misfeasance, malfeasance, or nonfeasance.

(f) Officers. – The board shall annually elect one of its members as chair and another as vice-chair and shall also elect annually a secretary, or a secretary-treasurer, who may or may not be a member of the board. The chair, or in the chair's absence, the vice-chair, shall preside at all meetings of the board. In the absence of both the chair and vice-chair, the board shall appoint a chair pro tempore, who shall preside at such meetings.

(g) Quorum. – Five directors shall constitute a quorum for the transaction of the business of the Authority, and no vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The favorable vote of at least a majority of the members of the board present at any meeting is required for the adoption of any resolution or motion or for other official action.

(h) Expenses. – The members of the board shall receive per diem and allowances as provided in G.S. 138-5 and G.S. 138-6. These expenses and compensation shall be paid from funds provided under this Article, or as otherwise provided."

**SECTION 2.** Notwithstanding G.S. 116-203, as enacted by Section 1 of this act, members serving on the board of directors of the North Carolina State Education Assistance Authority on the effective date of this act may complete the terms for which they were appointed. When the term of any of the seven members appointed by the Governor expires, the vacancy shall be filled as follows:

(1) Of the members appointed by the Governor whose terms expired on January 15, 2010, the Governor shall appoint one member who has expertise in secondary or higher education and one member who is a chief financial officer from a college or university that is a member of the North Carolina Independent Colleges and Universities, Inc., upon the recommendation of that organization. The terms of these two members shall be deemed to have begun on January 15, 2010.

(2) Of the members appointed by the Governor whose terms expire on January 15, 2011, the Governor shall appoint one member who has expertise in

1 secondary or higher education and one member from the public at large who  
2 has an interest in higher education.

3 (3) Of the members appointed by the Governor whose terms expire on January  
4 15, 2012, the Governor shall appoint one member who has expertise in  
5 secondary or higher education and one member who has expertise in finance.

6 (4) When the member appointed by the Governor whose term expires on  
7 January 15, 2013, completes that term, the Governor shall appoint a member  
8 who has expertise in finance.

9 Members described in this section shall serve for the terms for which they were  
10 appointed and until their successors are appointed and qualified.

11 **SECTION 3.** This act is effective when it becomes law.



## SENATE BILL 1323: Amend SEAA Board Membership

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, State Government/State Personnel	<b>Date:</b>	June 28, 2010
<b>Introduced by:</b>	Sen. Stevens	<b>Prepared by:</b>	Sara Kamprath
<b>Analysis of:</b>	First Edition		Legislative Analyst

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**SUMMARY:** *Senate Bill 1323 would amend the composition of, number of, and process for removing the members on the board of directors of the State Education Assistance Authority. The bill is a recommendation of the Joint Select Committee on State Funded Student Financial Aid.*

As introduced, this bill was identical to H1884, as introduced by Rep. Rapp, which is currently in Senate Education/Higher Education.]

**CURRENT LAW:** G.S. 116-203 currently provides that the board of directors (board) of the State Education Assistance Authority shall be composed of seven members, all of whom shall be appointed by the Governor to serve four-year terms. There are no specific criteria or categories of membership for the board members and the board members shall be subject to removal from office in the same manner as State, county, town and district officers.

**BILL ANALYSIS:** Senate Bill 1323 would increase the number of board members from seven to nine. The bill changes the composition of the membership of the board by providing that while the Governor shall continue to appoint seven members, two must have expertise in finance, three must have expertise in secondary or higher education, one must be a public member with an interest in higher education, and one must be a chief financial officer from an independent college or university that is a member institution of the North Carolina Independent Colleges and Universities, Inc., appointed upon recommendation of that organization. A gubernatorial appointment continues to be for a four year term or until a successor is appointed and duly qualified. The bill further changes the composition of the board membership by adding two ex officio members: the chief financial officer of The University of North Carolina and the chief financial officer of the North Carolina Community College System.

The bill also changes the method for removing appointed members from the board. The current law provides no further detail as to which State, county, town, or district officers are to be the model for removal so Senate Bill 1323 provides instead that the Governor may remove any appointee from the board for misfeasance, malfeasance, or nonfeasance.

The bill provides that members currently on the board may complete the terms for which they were appointed. Gubernatorial appointments for successors to the current members must satisfy the membership criteria and categories set out in the bill.

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**BACKGROUND:** Senate Bill 1323 is a recommendation of the Joint Select Committee on State Funded Student Financial Aid. The Committee heard that although the current law has no specific criteria or categories for the board members; of the seven members currently serving on the board, two have expertise in finance and five have expertise in education.

With regard to the expiration of the terms of members currently serving on the board, there are two terms that expired on January 15, 2010, two terms expire on January 15, 2011, two terms expire on January 15, 2012, and one term expires on January 15, 2013. The vacancies for the terms that expired on January 15, 2010, have not yet been filled; therefore, the two members who were appointed to those slots continue to serve until successors for those slots are appointed.

SI323-SMRJ-121(e1) v1

Research Division

O. Walker Reagan, Director

(919) 733-2578



**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☐ Committee Substitute for

**SB 1323**

A BILL TO BE ENTITLED AN ACT TO AMEND THE NUMBER AND COMPOSITION OF THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE STATE EDUCATION ASSISTANCE AUTHORITY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on STATE GOVERNMENT/STATE PERSONNEL.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ The bill/resolution is re-referred to the Committee on \_\_\_\_\_.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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2

HOUSE BILL 1841  
Committee Substitute Favorable 6/22/10

Short Title: Moore County School Board Police.

(Local)

Sponsors:

Referred to:

May 20, 2010

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO MAINTAIN  
3 A CAMPUS POLICE AGENCY.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. Chapter 115C of the General Statutes is amended by adding a new  
6 section to read:  
7 "§ 115C-47.2. Campus law enforcement agencies.  
8 A local board of education may establish a campus law enforcement agency and employ  
9 campus police officers. These officers shall meet the requirements of Chapter 17C of the  
10 General Statutes, shall take the oath of office prescribed by Article VI, Section 7 of the  
11 Constitution, and shall have all the powers of law enforcement officers generally. The  
12 territorial jurisdiction of a campus police officer shall include all property owned or leased to  
13 the local board of education employing the officer and that portion of any public road or  
14 highway passing through the property or immediately adjoining it, wherever located."  
15 SECTION 2. This act shall apply to the Moore County Board of Education only.  
16 SECTION 3. This act is effective when it becomes law.



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**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**HB 1841**

A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE  
COUNTY BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.

MINUTES  
**HOUSE COMMITTEE ON EDUCATION**  
July 1, 2010

The House Committee on Education met at 3 p.m. during House recess on Thursday, July 1, 2010 outside the House Chamber of the Legislative Building. The following Representatives were present: **Chairs:** Bell, Lucas; **Vice Chairs:** Cotham, Fisher, Parmon and Womble; **Members:** Alexander, Avila, Blackwell, Blackwood, Bordsen, Brown, Bryant, Carney, Cleveland, Dockham, Dollar, B. Floyd, E. Floyd, Gill, Hurley, Iler, Jackson, Jeffus, Johnson, Langdon, McCormick, McElraft, McLawhorn, Parfitt, Rapp, Samuelson, Stewart, E. Warren, R. Warren, Whilden, Wiley, and Wilkins.

Research staff persons included: **Attorneys** Drupti Chauhan and Kara McCraw; **Legislative Analyst:** Dr. Shirley Iorio and Sara Kamprath; **Assistant** Dee Atkinson. **Legislative Committee Assistants:** Carolyn Edwards and Thelma Utley.

The Agenda, Committee Meeting Notice, Bill Analysis and Committee Reports are attached and incorporated into the minutes.

**Chairman Bell** declared the meeting to order and all introductions were completed. The agenda was presented and the following Committee Substitute bills were before the committee:

**SB 1119 - A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ALL REGULATORY FUNCTIONS REGARDING THE MONITORING OF PRIVATE EARLY CARE AND EDUCATION PROVIDERS FOR COMPLIANCE WITH THE MORE AT FOUR PROGRAM AND TO REQUIRE ALL EARLY CARE AND EDUCATION PROVIDERS WORKING IN LICENSED CHILD CARE CENTERS OR LICENSED FAMILY CHILD CARE HOMES TO OBTAIN AND MAINTAIN EARLY EDUCATOR CERTIFICATION.**

**Representative Rapp** explained the bill and entertained all questions.

**Representative Parmon** moved for a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill. Committee Substitute for SB 1119 passed.

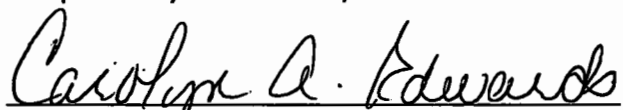
**SB 1199 - A BILL TO BE ENTITLED AN ACT TO CREATE THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING COMMISSION TO DEVELOP AND PLAN A REGIONAL SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY.**

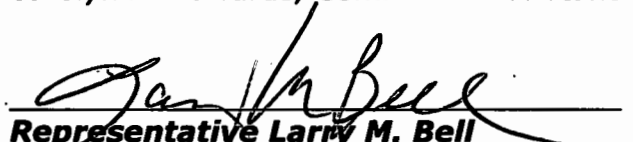
**Representative Wilkins** moved to amend the bill. The amendment passed.

**Representative Cotham** moved for a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS. Committee Substitute for SB 1199 passed.

**Chairman Bell** adjourned the meeting at 4 p. m.

Respectfully submitted,

  
Carolyn A. Edwards, Committee Assistant

  
**Representative Larry M. Bell**  
**Chair**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Thursday, July 1, 2010

**TIME:** Immediately after Session

**LOCATION:** 1228 LB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<b>SB 1119</b>	<b>Early Ed. Cert. &amp; Consol. Regs.</b>	<b>Senator Blue</b>
<b>SB 1199</b>	<b>Est. Regional School Planning Comm.</b>	<b>Senator Swindell IV</b>

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:30 A.M. on **July 01, 2010**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Carolyn Edwards** (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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D

SENATE BILL 1119\*

Education/Higher Education Committee Substitute Adopted 6/16/10  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1119-PCS85383-RQ-58

Short Title: Early Education Certification.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL EARLY CARE AND EDUCATION PROVIDERS WORKING  
IN LICENSED CHILD CARE CENTERS OR LICENSED FAMILY CHILD CARE  
HOMES TO OBTAIN AND MAINTAIN EARLY EDUCATOR CERTIFICATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 110-91 is amended by adding a new subdivision to read:

**"(8a) Education Certification.** – An individual shall remain current in all certification required by this subdivision as long as the individual is working in licensed child care.

**a.** Teaching staff. – Teaching staff working in licensed child care centers as of October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals by July 1, 2012. Teaching staff hired to work in licensed child care centers after October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals within 60 days of their hiring.

**b.** Licensed family child care home providers. – Licensed family child care home providers in operation as of October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals by July 1, 2012. Licensed family child care home providers that begin operation after October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals within 60 days of licensing.

**c.** Child care administrators. – Child care administrators shall have their education certified with an Administrator Endorsement by July 1, 2012. Child care administrators hired after July 1, 2012, shall have their education certified with an Administrator Endorsement within 60 days of their hiring."

**SECTION 2.** This act is effective when it becomes law.



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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**SENATE BILL 1119\***  
**Education/Higher Education Committee Substitute Adopted 6/16/10**

Short Title: Early Ed. Cert. & Consol. Regs.

(Public)

Sponsors:

Referred to:

May 13, 2010

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ALL REGULATORY FUNCTIONS REGARDING THE MONITORING OF PRIVATE EARLY CARE AND EDUCATION PROVIDERS FOR COMPLIANCE WITH THE MORE AT FOUR PROGRAM AND TO REQUIRE ALL EARLY CARE AND EDUCATION PROVIDERS WORKING IN LICENSED CHILD CARE CENTERS OR LICENSED FAMILY CHILD CARE HOMES TO OBTAIN AND MAINTAIN EARLY EDUCATOR CERTIFICATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** To consolidate all of the regulatory functions regarding the monitoring of early care and education providers in certain private settings, it is the intent of the General Assembly that the Department of Health and Human Services and the Department of Public Instruction approve Division of Child Development staff to assume the regulatory functions of the More at Four program in private classroom settings. The Department of Public Instruction shall provide Division of Child Development staff with the training necessary to monitor compliance with the More at Four program. The Division of Child Development shall continue its current licensing functions for those classrooms voluntarily licensed in public settings.

**SECTION 2.** G.S. 110-91 is amended by adding a new subdivision to read:

**"(8a) Education Certification.** – An individual shall remain current in all certification required by this subdivision as long as the individual is working in licensed child care.

**a. Teaching staff.** – Teaching staff working in licensed child care centers as of October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals by July 1, 2012. Teaching staff hired to work in licensed child care centers after October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals within 60 days of their hiring.

**b. Licensed family child care home providers.** – Licensed family child care home providers in operation as of October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals by July 1, 2012. Licensed family child care home providers that begin operation after October 1, 2010, shall have their education certified by the North Carolina Institute for Child Development Professionals within 60 days of licensing.



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c. Child care administrators. – Child care administrators shall have their education certified with an Administrator Endorsement by July 1, 2012. Child care administrators hired after July 1, 2012, shall have their education certified with an Administrator Endorsement within 60 days of their hiring."

**SECTION 3.** This act becomes effective July 1, 2010.



## SENATE BILL 1119: Early Education Certification

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Blue  
**Analysis of:** PCS to Second Edition  
S1119-CSRQ-58

**Date:** July 1, 2010  
**Prepared by:** Drupti Chauhan  
Committee Counsel

**SUMMARY:** *The Proposed Committee Substitute for SB 1119 would require all early care and education providers working in licensed child care centers or licensed family child care homes to obtain and maintain early educator certification. The original bill was a recommendation of the Task Force on the Consolidation of Early Childhood Education and Care.*

*The PCS would also delete Section 1 of the original bill which provided for the consolidation of regulatory functions regarding the monitoring of private early care and education providers for compliance with the More At Four program since that provision was enacted in Section 7.5(h) of Senate Bill 897 (An Act To Modify The Current Operations And Capital Improvements Appropriations Act of 2009 And For Other Purposes). It would also change the effective date of the bill to when the bill becomes law.*

**CURRENT LAW:** G.S. 110-91 requires child care center administrators to be 21 years of age and have the NC Early Childhood Administration Credential or its equivalent as determined by the Department of Health and Human Services (DHHS). All lead teachers in a child care center must have at least a North Carolina Early Childhood Credential or its equivalent as determined by DHHS. For child care centers licensed to care for 200 or more children, DHHS, in collaboration with the NC Institute for Early Childhood Professional Development, must establish categories to recognize the levels of education achieved by child care center administrators and teachers who perform administrative functions.

As of January 1, 1998, operators of licensed family child care homes must be at least 21 years of age and have a high school diploma or its equivalent. Operators of family child care homes licensed prior to January 1, 1998 must be at least 18 and literate.

### **BILL ANALYSIS:**

The Proposed Committee Substitute for SB 1119 would require early care and education providers working in licensed child care centers or licensed family child care homes to obtain and maintain early educator certification.

- Teaching staff in licensed child care centers as of October 1, 2010 would have to have their education certified by the North Carolina Institute for Child Development Professionals (Institute) by July 1, 2012. Teaching staff hired to work in licensed child care centers after October 1, 2010 would have to have their education certified by the Institute within 60 days of their hiring.
- Licensed family child care home providers in operation as of October 1, 2010 would have to have their education certified by the Institute by July 1, 2012. Licensed family child care home providers that begin operation after October 1, 2010 would have to have their education certified by the Institute within 60 days of licensing.
- Child care administrators would have to have their education certified with an Administrator Endorsement by July 1, 2012. Child care administrators hired after July 1, 2012 would have

# Senate Bill 1119

Page 2

to have their education certified with an Administrator Endorsement within 60 days of their hiring.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

**BACKGROUND:** The Task Force on the Consolidation of Early Childhood Education and Care recommended the consolidation of the regulatory oversight of More at Four Services provided in a private sector setting. Licensed child care programs with More at Four classrooms are currently monitored by both the Office of Early Learning (OEL) and the Division of Child Development (DCD) at the Department of Health and Human Services. The OEL monitors for More at Four program compliance and the DCD monitors for child care licensure. The Task Force found that the consolidation of regulatory functions would reduce duplication and result in higher quality services for children.

The Task Force also found that the North Carolina Institute for Child Development Professionals currently provides a voluntary centralized service in which certifications are issued based upon educational achievement and training of child care teachers. The Task Force encouraged "all of the child care teachers and More at Four teachers to use this service and that this certification become the standard for early childhood educators".

*S1119-SMRQ-161(CSRQ-58) v4*

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**SB 1119**

A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSOLIDATION OF ALL REGULATORY FUNCTIONS REGARDING THE MONITORING OF PRIVATE EARLY CARE AND EDUCATION PROVIDERS FOR COMPLIANCE WITH THE MORE AT FOUR PROGRAM AND TO REQUIRE ALL EARLY CARE AND EDUCATION PROVIDERS WORKING IN LICENSED CHILD CARE CENTERS OR LICENSED FAMILY CHILD CARE HOMES TO OBTAIN AND MAINTAIN EARLY EDUCATOR CERTIFICATION.

☒ With a favorable report as to House committee substitute bill, which changes the title, unfavorable as to Senate committee substitute bill.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**D**

**SENATE BILL 1199\***  
**Education/Higher Education Committee Substitute Adopted 6/23/10**  
**PROPOSED HOUSE COMMITTEE SUBSTITUTE S1199-PCS85384-RQ-59**

**Short Title:** Est. Regional School Planning Comm.

**(Public)**

**Sponsors:**

**Referred to:**

May 18, 2010

**A BILL TO BE ENTITLED**

**AN ACT TO CREATE THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL  
SCHOOL PLANNING COMMISSION TO DEVELOP AND PLAN A REGIONAL  
SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Agriscience and Biotechnology Regional School Planning Commission. The purpose of the Commission shall be to develop and plan a regional school of agriscience and biotechnology. The Commission shall be located administratively in the Department of Public Instruction but shall exercise its powers and duties independently of the Department of Public Instruction. The Department of Public Instruction shall provide for the administrative costs of the Commission and shall provide staff to the Commission.

**SECTION 2.** The Commission shall consist of up to nine members appointed by the chair of the State Board of Education. Appointments shall be made no later than September 1, 2010.

**SECTION 3.** The Agriscience and Biotechnology Regional School Planning Commission shall develop a plan for a regional school of agriscience and biotechnology and shall ensure that the model is replicable, sustainable, and scaleable. In the development of its plan, the Commission shall:

- (1) Consider the regional school's governance, funding for operational and capital needs, personnel, admissions and assignment of students, transportation, school food services, and other issues the Commission deems relevant.
- (2) Solicit proposals from interested regions seeking to host the school and identify a location for the regional school.
- (3) Identify potential business partners for the regional school.
- (4) Consult with North Carolina State University and the NC Research Campus and establish connections between those institutions and the regional school.

**SECTION 4.** The Agriscience and Biotechnology Regional School Planning Commission shall report on its recommended plan to the State Board of Education, the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission, and the Joint Legislative Education Oversight Committee by January 1, 2011.

**SECTION 5.** This act is effective when it becomes law.



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**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1199\*  
Education/Higher Education Committee Substitute Adopted 6/23/10**

Short Title: Est. Regional School Planning Comm.

(Public)

Sponsors:

Referred to:

May 18, 2010

A BILL TO BE ENTITLED

AN ACT TO CREATE THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL  
SCHOOL PLANNING COMMISSION TO DEVELOP AND PLAN A REGIONAL  
SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY.

The General Assembly of North Carolina enacts:

**SECTION 1.** There is established the Agriscience and Biotechnology Regional School Planning Commission. The purpose of the Commission shall be to develop and plan a regional school of agriscience and biotechnology to open in the 2011-2012 school year. The Commission shall be located administratively in the Department of Public Instruction but shall exercise its powers and duties independently of the Department of Public Instruction. The Department of Public Instruction shall provide for the administrative costs of the Commission and shall provide staff to the Commission.

**SECTION 2.** The Commission shall consist of up to nine members appointed by the chair of the State Board of Education. Appointments shall be made no later than September 1, 2010.

**SECTION 3.** The Agriscience and Biotechnology Regional School Planning Commission shall develop a plan for a regional school of agriscience and biotechnology to open in the 2011-2012 school year and shall ensure that the model is replicable, sustainable, and scaleable. In the development of its plan, the Commission shall:

- (1) Consider the regional school's governance, funding for operational and capital needs, personnel, admissions and assignment of students, transportation, school food services, and other issues the Commission deems relevant.
- (2) Solicit proposals from interested regions seeking to host the school and identify a location for the regional school.
- (3) Identify potential business partners for the regional school.
- (4) Consult with North Carolina State University and the NC Research Campus and establish connections between those institutions and the regional school.

**SECTION 4.** The Agriscience and Biotechnology Regional School Planning Commission shall report on its recommended plan to the State Board of Education, the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission, and the Joint Legislative Education Oversight Committee by January 1, 2011.

**SECTION 5.** This act is effective when it becomes law.



\* S 1 1 9 9 - V - 2 \*



## SENATE BILL 1199: Est. Regional School Planning Comm

2009-2010 General Assembly

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<b>Committee:</b>	House Education, if favorable, Appropriations	<b>Date:</b>	July 1, 2010
<b>Introduced by:</b>	Sen. Swindell	<b>Prepared by:</b>	Kara McCraw
<b>Analysis of:</b>	Second Edition		Committee Counsel

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**SUMMARY:** *The 2<sup>nd</sup> Edition of SB 1199 would create an Agriscience and Biotechnology Regional School Planning Commission to develop a plan for a regional school of agriscience and biotechnology.*

[As introduced, this bill was identical to H1724, as introduced by Rep. Braxton, which is currently in House Education, if favorable, Pensions and Retirement, if favorable, Finance, if favorable, Appropriations.]

**BILL ANALYSIS:** The 2<sup>nd</sup> Edition of SB 1199 would create the Agriscience and Biotechnology Regional School Planning Commission (Commission).

**Purpose:** The Commission would develop and plan a regional school of agriscience and biotechnology to open in the 2011-2012 school year.

**Membership:** The Commission would include up to nine members, appointed by the chair of the State Board of Education no later than September 1, 2010.

**Duties:** The Commission, in development of its plan, would be required to:

- Consider the school's governance, funding for operational and capital needs, personnel, admissions and assignment of students, transportation, school food services, and other issues the Commission deems relevant.
- Solicit proposals from interested regions seeking to host the school and identify the school's location.
- Identify potential business partners for the school.
- Consult with NCSU and the NC Research Campus and establish connections between those institutions and the school.

**Reporting:** The Commission would report on its plan to the State Board of Education, the Joint Legislative Joining Our Businesses and Schools (JOBS) Study Commission, and the Joint Legislative Education Oversight Committee by January 1, 2011.

The Commission would be located administratively at the Department of Public Instruction (DPI), but exercise powers and duties independently. DPI would be required to provide for the administrative costs and provide staff to the Commission.

**EFFECTIVE DATE:** SB 1199 would become effective when it becomes law.

SI199-SMTC-161(e2) v2

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

☒ Committee Substitute for

**SB 1199**

A BILL TO BE ENTITLED AN ACT TO CREATE THE  
AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING  
COMMISSION TO DEVELOP AND PLAN A REGIONAL SCHOOL OF AGRISCIENCE  
AND BIOTECHNOLOGY.

☒ With a favorable report as to the House committee substitute bill, unfavorable as to Senate Committee Substitute Bill and recommendation that the House committee substitute bill be re-referred to the Committee on APPROPRIATIONS.

**(FOR JOURNAL USE ONLY)**

\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on  
\_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution  
(No. \_\_\_\_\_) is placed on the Calendar of \_\_\_\_\_. (The original bill resolution No. \_\_\_\_\_)  
is placed on the Unfavorable Calendar.

\_\_\_\_\_ The (House) committee substitute bill/(joint) resolution (No. \_\_\_\_\_) is re-referred to the  
Committee on \_\_\_\_\_. (The original bill/resolution) (House/Senate Committee Substitute  
Bill/(Joint) resolution No. \_\_\_\_\_) is placed on the Unfavorable Calendar.



**HOUSE EDUCATION COMMITTEE  
Room 643 LOB  
Co-Chairs, Representatives Larry Bell and Marvin W. Lucas  
Representative Marvin W. Lucas, Presiding  
12:15 P.M.  
Friday, July 9, 2010**

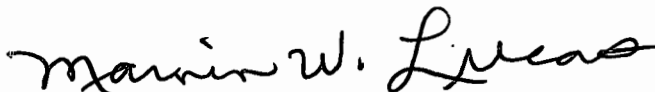
**Representative Lucas apologized for the late notice, called the meeting to order and thanked everyone for coming and noted that our sergeant-at-arms, staff, and committee clerks were in attendance. Member attendance sheet is attached.**

**HB 593 - Modify Good Cause Waivers – Representative Luebke was called on to explain the bill. There were comments by Representatives McCormick, Stam, E. Floyd, Dollar, and McLawhorn. Representative McCormick moves for concurrence and the committee concurs and the motion passes.**

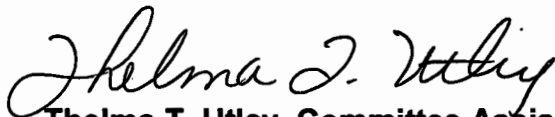
**SB 1248 – Early Identif. & Interv. for At-Risk Students – Senator Davis explains the bill. There were comments by Representatives Avila, Bryant, Blackwood, Tarleton, Parmon, Iler, E. Floyd, Tolson, Wiley, McCormick, and Bryant. Representative Bryant moves for a favorable report. The committee concurs and the motion passes.**

**Meeting adjourned at 12:37 p.m.**

**Respectfully submitted,**



**Marvin W. Lucas, Chair**



**Thelma T. Utley, Committee Assistant**

**NORTH CAROLINA HOUSE OF REPRESENTATIVES  
COMMITTEE MEETING NOTICE  
AND  
BILL SPONSOR NOTIFICATION  
2009-2010 SESSION**

You are hereby notified that the Committee on **Education** will meet as follows:

**DAY & DATE:** Friday, July 9, 2010

**TIME:** At Recess (Time to be announced from Floor)

**LOCATION:** 643 LOB

**COMMENTS:**

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 593	Modify Good Cause Waivers.	Representative Luebke Representative Martha B. Alexander Representative England, M.D. Representative Rapp
SB 1248	Early Identif. & Interv. for At-Risk Students.	Senator Davis

Respectfully,  
Representative Bell, Chair  
Representative Lucas, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at  
11 o'clock on **July 09, 2009**.

- ☐ Principal Clerk  
☐ Reading Clerk – House Chamber

**Thelma Utley** (Committee Assistant)

# VISITOR REGISTRATION SHEET

EDUCATION

July 9, 2010

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

DAVID RICE	MANNING FULTON
Susan Baran	
Lean Wynn	NCSBA
Shun Huron	WCPS
Kathleen Geyer	NCAST
Luke Stancil	Langdon
Julia Deamo	Arc NC ASAC
Annaliese Dolph	DRNC
Sarah Beston	ACLU-NC
Connie Wilson	NCTIA
Cady Thomas	NCAIR

## VISITOR REGISTRATION SHEET

## EDUCATION

**July 9, 2010**

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

Wintney Campbell

Jordan Price

Jane Stevens

NC NURSES ASSOC.

Evelyn Hawthorne

EHGR

David Crawford

ACA NC

Amy Hobbs

MWC

Sheria Reid

806

**AGENDA**  
**HOUSE EDUCATION COMMITTEE MEETING**  
**Friday, July 9, 2010**

**At Recess**

**643 LOB**

**Representatives Larry Bell and Marvin W. Lucas, Chairs**

**Representative Marvin W. Lucas**

**Presiding Chair**

**Call to Order**

**Welcome/Introductions**

**Bills to be considered:**

**HB 593    Modify Good Cause Waivers.**

**Representative Luebke**  
**Representative Martha B.**  
**Alexander**  
**Representative England,**  
**M.D.**  
**Representative Rapp**

**SB 1248    Early Identif. & Interv. for At-**  
**Risk Students.**

**Senator Davis**

**Adjournment**

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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5

HOUSE BILL 593  
Committee Substitute Favorable 5/11/09  
Third Edition Engrossed 5/13/09  
Senate Education/Higher Education Committee Substitute Adopted 7/7/10  
Fifth Edition Engrossed 7/8/10

Short Title: Modify Good Cause Waivers.

(Public)

Sponsors:

Referred to:

March 16, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE SCHOOL CALENDAR LAW REGARDING WAIVERS FOR  
3 GOOD CAUSE DUE TO INCLEMENT WEATHER OR EMERGENCY CONDITIONS,  
4 AND TO LIMIT THE USE OF PUBLIC FUNDS BY COUNTIES, MUNICIPALITIES,  
5 AND LOCAL BOARDS OF EDUCATION TO ENDORSE OR OPPOSE A  
6 REFERENDUM, ELECTION, OR CANDIDATE FOR OFFICE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 115C-84.2(d) reads as rewritten:

9 "(d) Opening and Closing Dates. – Local boards of education shall determine the dates  
10 of opening and closing the public schools under subdivision (a)(1) of this section. Except for  
11 year-round schools, the opening date for students shall not be before August 25, and the closing  
12 date for students shall not be after June 10. On a showing of good cause, the State Board of  
13 Education may waive this requirement to the extent that school calendars are able to provide  
14 sufficient days to accommodate anticipated makeup days due to school closings. A local board  
15 may revise the scheduled closing date if necessary in order to comply with the minimum  
16 requirements for instructional days or instructional time. For purposes of this subsection, the  
17 term "good cause" means either that:

- 18 (1) schools in any local school administrative unit in a county have been closed  
19 eight days per year during any four of the last 10 years because of severe  
20 weather conditions, energy shortages, power failures, or other emergency  
21 ~~situations.~~ situations; or  
22 (2) schools in any local school administrative unit in a county have been closed  
23 for all or part of eight days per year during any four of the last 10 years  
24 because of severe weather conditions. For purposes of this subdivision, a  
25 school shall be deemed to be closed for part of a day if it is closed for two or  
26 more hours.

27 The State Board also may waive this requirement for an educational purpose. The term  
28 "educational purpose" means a local school administrative unit establishes a need to adopt a  
29 different calendar for (i) a specific school to accommodate a special program offered generally  
30 to the student body of that school, (ii) a school that primarily serves a special population of  
31 students; or (iii) a defined program within a school. The State Board may grant the waiver for  
32 an educational purpose for that specific school or defined program to the extent that the State  
33 Board finds that the educational purpose is reasonable, the accommodation is necessary to



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1 accomplish the educational purpose, and the request is not an attempt to circumvent the  
2 opening and closing dates set forth in this subsection. The waiver requests for educational  
3 purposes shall not be used to accommodate system-wide class scheduling preferences.

4 The required opening and closing dates under this subsection shall not apply to any school  
5 that a local board designated as having a modified calendar for the 2003-2004 school year or to  
6 any school that was part of a planned program in the 2003-2004 school year for a system of  
7 modified calendar schools, so long as the school operates under a modified calendar."

8 **SECTION 1.5.(a)** Chapter 153A of the General Statutes is amended by adding a  
9 new section to read:

10 **"§ 153A-456. Limitation on the use of public funds.**

11 **A county shall not use public funds to endorse or oppose a referendum, election or a**  
12 **particular candidate for elective office."**

13 **SECTION 1.5.(b)** Chapter 160A of the General Statutes is amended by adding a  
14 new section to read:

15 **"§ 160A-499.3. Limitation on the use of public funds.**

16 **A municipality shall not use public funds to endorse or oppose a referendum, election or a**  
17 **particular candidate for elective office."**

18 **SECTION 1.5.(c)** Chapter 115C of the General Statutes is amended by adding a  
19 new section to read:

20 **"§ 115C-46.1. Limitation on the use of public funds.**

21 **A local board of education shall not use public funds to endorse or oppose a referendum,**  
22 **election or a particular candidate for elective office."**

23 **SECTION 2.** This act is effective when it becomes law and applies beginning with  
24 the 2010-2011 school year.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

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☒ Committee Substitute for

**HB 593**      A BILL TO BE ENTITLED AN ACT TO MODIFY THE SCHOOL CALENDAR LAW REGARDING WAIVERS FOR GOOD CAUSE DUE TO INCLEMENT WEATHER OR EMERGENCY CONDITIONS, AND TO LIMIT THE USE OF PUBLIC FUNDS BY COUNTIES, MUNICIPALITIES, AND LOCAL BOARDS OF EDUCATION TO ENDORSE OR OPPOSE A REFERENDUM, ELECTION, OR CANDIDATE FOR OFFICE.

☒ With recommendation that the House concur.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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3

SENATE BILL 1248\*  
Education/Higher Education Committee Substitute Adopted 6/2/10.  
Third Edition Engrossed 7/7/10

Short Title: Early Identif. & Interv. for At-Risk Students.

(Public)

Sponsors:

Referred to:

May 20, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO IDENTIFY  
3 STUDENTS AT RISK OF ACADEMIC FAILURE AND NOT SUCCESSFULLY  
4 PROGRESSING TOWARD GRADUATION NO LATER THAN THE FOURTH  
5 GRADE, TO PROVIDE PERSONAL EDUCATION PLANS FOR THOSE STUDENTS,  
6 TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO CERTIFY  
7 COMPLIANCE ANNUALLY TO THE STATE BOARD OF EDUCATION, AND TO  
8 REQUIRE THE STATE BOARD OF EDUCATION TO PERIODICALLY REVIEW  
9 DATA ON THE PROGRESS OF IDENTIFIED STUDENTS AND REPORT TO THE  
10 JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

11 The General Assembly of North Carolina enacts:

12 SECTION 1. G.S. 115C-105.41 reads as rewritten:

13 "§ 115C-105.41. Students who have been placed at risk of academic failure; personal  
14 education plans,

15 Local school administrative units shall identify students who are at risk for academic  
16 ~~failure.~~ failure and who are not successfully progressing toward grade promotion and  
17 ~~graduation, beginning no later than the fourth grade.~~ Identification shall occur as early as can  
18 reasonably be done and can be based on grades, observations, State assessments, and other  
19 factors, including reading on grade level, that impact student performance that teachers and  
20 administrators consider appropriate, without having to await the results of end-of-grade or  
21 end-of-course tests. No later than the end of the first quarter, or after a teacher has had up to  
22 nine weeks of instructional time with a student, a personal education plan for academic  
23 improvement with focused intervention and performance benchmarks shall be developed or  
24 updated for any student at risk of academic failure who is not performing at least at grade level,  
25 as identified by the State end-of-grade test and other factors noted above. Focused intervention  
26 and accelerated activities should include research-based best practices that meet the needs of  
27 students and may include coaching, mentoring, tutoring, summer school, Saturday school, and  
28 extended days. Local school administrative units shall provide these activities free of charge to  
29 students. Local school administrative units shall also provide transportation free of charge to all  
30 students for whom transportation is necessary for participation in these activities.

31 Local school administrative units shall give notice of the personal education plan and a  
32 copy of the personal education plan to the student's parent or guardian. Parents should be  
33 included in the implementation and ongoing review of personal education plans.

34 Local school administrative units shall certify that they have complied with this section  
35 annually to the State Board of Education. The State Board of Education shall periodically



1 review data on the progress of identified students and report to the Joint Legislative Education  
2 Oversight Committee.

3 No cause of action for monetary damages shall arise from the failure to provide or  
4 implement a personal education plan under this section."

5 **SECTION 2.** This act is effective when it becomes law.



## SENATE BILL 1248: Early Identif. & Interv. for At-Risk Students

2009-2010 General Assembly

**Committee:** House Education  
**Introduced by:** Sen. Davis  
**Analysis of:** Third Edition

**Date:** July 8, 2010  
**Prepared by:** Sara Kamprath  
Legislative Analyst

**SUMMARY:** *Senate Bill 1248 would require local school administrative units to identify students, starting no later than the 4<sup>th</sup> grade, who are not successfully moving toward grade promotion and graduation and to develop a personal education plan for those students. Local school administrative units would be required to certify annually on their compliance. The State Board of Education would periodically report on student progress and make a report to the Joint Legislative Education Oversight Committee.*

**EFFECTIVE DATE:** The bill is effective when it becomes law.

**CURRENT LAW:** Personal education plans are required for students who are at risk for academic failure. Identification shall be done as early as possible and shall not be based solely on end-of-course or end-of grade tests. Factors that can be used to identify students for a personal education plan are grades, observations, and results on State assessments. The personal education plan shall include performance benchmarks and focused intervention for students who are not performing at least at grade level. The focused interventions can include coaching, mentoring, tutoring, summer school, Saturday school, and extended days. Transportation and focused intervention activities shall be provided free of charge.

Parents and guardians shall be given a copy of the personal education plan. Parents should be included in the implementation and ongoing review of the personal education plans. No cause of action for monetary damages shall arise for the failure to provide or implement a personal education plan.

**BILL ANALYSIS:** Senate Bill 1248 would require that local school administrative units shall develop personal education plans, beginning at the fourth grade, for students who are not progressing toward grade promotion and graduation. Reading on grade level shall be one of the factors that can be considered to identify the students.

Local school administrative units shall annually certify their compliance with the requirement. The State Board of Education would periodically review the data and report on the progress of the identified students to the Joint Legislative Education Oversight Commission.

S1248-SMRJ-127(e3) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1248\*  
Education/Higher Education Committee Substitute Adopted 6/2/10  
Third Edition Engrossed 7/7/10**

Short Title: Early Identif. & Interv. for At-Risk Students.

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO IDENTIFY STUDENTS AT RISK OF ACADEMIC FAILURE AND NOT SUCCESSFULLY PROGRESSING TOWARD GRADUATION NO LATER THAN THE FOURTH GRADE, TO PROVIDE PERSONAL EDUCATION PLANS FOR THOSE STUDENTS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO CERTIFY COMPLIANCE ANNUALLY TO THE STATE BOARD OF EDUCATION, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO PERIODICALLY REVIEW DATA ON THE PROGRESS OF IDENTIFIED STUDENTS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115C-105.41 reads as rewritten:

**"§ 115C-105.41. Students who have been placed at risk of academic failure; personal education plans.**

Local school administrative units shall identify students who are at risk for academic ~~failure~~ failure and who are not successfully progressing toward grade promotion and graduation, beginning no later than the fourth grade. Identification shall occur as early as can reasonably be done and can be based on grades, observations, State assessments, and other factors, including reading on grade level, that impact student performance that teachers and administrators consider appropriate, without having to await the results of end-of-grade or end-of-course tests. No later than the end of the first quarter, or after a teacher has had up to nine weeks of instructional time with a student, a personal education plan for academic improvement with focused intervention and performance benchmarks shall be developed or updated for any student at risk of academic failure who is not performing at least at grade level, as identified by the State end-of-grade test and other factors noted above. Focused intervention and accelerated activities should include research-based best practices that meet the needs of students and may include coaching, mentoring, tutoring, summer school, Saturday school, and extended days. Local school administrative units shall provide these activities free of charge to students. Local school administrative units shall also provide transportation free of charge to all students for whom transportation is necessary for participation in these activities.

Local school administrative units shall give notice of the personal education plan and a copy of the personal education plan to the student's parent or guardian. Parents should be included in the implementation and ongoing review of personal education plans.

Local school administrative units shall certify that they have complied with this section annually to the State Board of Education. The State Board of Education shall periodically



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1 review data on the progress of identified students and report to the Joint Legislative Education  
2 Oversight Committee.

3 No cause of action for monetary damages shall arise from the failure to provide or  
4 implement a personal education plan under this section."

5 **SECTION 2.** This act is effective when it becomes law.

**2009 COMMITTEE REPORT  
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative Bell, Lucas (Chairs) for the Committee on EDUCATION.

---

☒ Committee Substitute for

**SB 1248**

A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO IDENTIFY STUDENTS AT RISK OF ACADEMIC FAILURE AND NOT SUCCESSFULLY PROGRESSING TOWARD GRADUATION NO LATER THAN THE FOURTH GRADE, TO PROVIDE PERSONAL EDUCATION PLANS FOR THOSE STUDENTS, TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO CERTIFY COMPLIANCE ANNUALLY TO THE STATE BOARD OF EDUCATION, AND TO REQUIRE THE STATE BOARD OF EDUCATION TO PERIODICALLY REVIEW DATA ON THE PROGRESS OF IDENTIFIED STUDENTS AND REPORT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

☒ With a favorable report.

**(FOR JOURNAL USE ONLY)**

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\_\_\_\_\_ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on \_\_\_\_\_.

\_\_\_\_\_ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of \_\_\_\_\_.