2015-2016

SENATE EDUCATION/HIGHER EDUCATION

MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE
2015 – 2016 SESSION

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NORTH CAROLINA GENERAL ASSEMBLY

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE
2015 – 2016 SESSION

Sen. Dan Soucek
Chair

Sen. Jerry W. Tillman
Chair

Sen. David L. Curtis
Vice Chair

Sen. Tom Apodaca

Sen. Chad Barefoot

Sen. Tamara Barringer

Sen. Stan Bingham

Sen. Harry Brown

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Sen. Bob Rucho

Sen. Jane W. Smith

Sen. Josh Stein

Sen. Jeff Tarte

Sen. Trudy Wade

Sen. Andy Wells

Sen. Mike Woodard

North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

2015-2016 Biennium
Leg. Day: H-135/S-137

Date: 10/13/2015
Time: 1:29:48 PM

	Bill	Introducer	Short Title		Latest Action	Date In	Date Out
	H 13	Torbett	Amend School Health Assessment Requirement.	*R	Ch. SL 2015-222	07/21/2015	07/23/2015
$	**H 18**	**Martin**	**Continuing Budget Authority.**	***R**	**Ch. SL 2015-233**	**05/05/2015**	**05/13/2015**
	H 19	Graham	Waive Tuition/Fallen Officer Was Guardian.	*S	Re-ref Com On Education/Higher Education	07/15/2015	
	H 162	Carney	Sudden Cardiac Arrest Education/Students.	*S	Re-ref Com On Education/Higher Education	06/01/2015	
	H 188	Hager	Trustee Appointments/Isothermal Comm. Coll.	*R	Ch. SL 2015-243	05/07/2015	09/15/2015
	H 237	Elmore	Repeal Personal Ed Plans/Modify Trans Plans.	*R	Ch. SL 2015-46	05/06/2015	05/13/2015
	H 334	Jeter	Charter School & Other Education Laws Changes	*R	Ch. SL 2015-248	07/14/2015	07/22/2015
	H 358	Johnson	School Performance Grade Scale.	R	Ch. SL 2015-17	04/01/2015	05/06/2015
	H 390	Tine	Beaufort Co. CC/Washington Co.	*R	Ch. SL 2015-167	06/04/2015	07/15/2015
	H 393	West	Tri-County CC/Bd. of Trustees.	R	Ch. SL 2015-12	04/16/2015	05/06/2015
	H 488	Reives	Central Carolina CC/Bd. of Trustees.	R	Ch. SL 2015-252	07/13/2015	09/22/2015
	H 539	Bradford	Charter School Funding.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05/22/2015	09/17/2015
	H 561	Blackwell	School System Auth. Re: Legal Proceedings.	*H	Conferees Changed	06/25/2015	07/15/2015
	H 709	Martin	NCNG Tuition Assistance Benefit Amendment.	H	Pres. To Gov. 9/22/2015	07/15/2015	07/22/2015
	H 878	Jordan	Expand Bd. of Trustees/Sch. of Science & Math.	*R	Ch. SL 2015-30	05/07/2015	05/13/2015

'$' indicates the bill is an appropriations bill.
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North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

S 37	Smith	Waive Tuition/Fallen Officer Was Guardian.	*S	Pres. To Gov. 09/30/2015	02/09/2015	03/04/2015
S 95	Barefoot	Performance-Based RIF/School Policy.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04/20/2015	04/28/2015
S 97	Davis	State Advisory Council on Indian Education.	*S	Pres. To Gov. 09/24/2015	03/18/2015	04/28/2015
S 176	Rabin	Charter School Grade Level Expansion.	H	Ref To Com On Education - K-12	03/18/2015	03/25/2015
S 211	Tillman	Damages for Late Payment of Monies/Charters.	*H	Re-ref Com On Judiciary I	04/15/2015	04/28/2015
S 251	Clark	In-State Tuition For Certain Veterans.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	03/23/2015	
S 279	Barefoot	Amend Qualifications/Practice of Counseling.	*S	Pres. To Gov. 10/01/2015	03/23/2015	04/01/2015
S 289	Barefoot	Education Preparation Reform Act.	S	Re-ref Com On Education/Higher Education	03/23/2015	
S 298	Alexander	School Bus Cameras/Civil Penalties.	*H	Re-ref Com On Appropriations	03/24/2015	04/01/2015
S 315	Pate	School Playgrounds Available to Public.	*R	Ch. SL 2015-64	03/24/2015	04/01/2015
S 328	Davis	Community College Audits.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	03/25/2015	
S 330	McInnis	Change Orders on School Construction Projects.	*H	Re-ref Com On Local Government	03/25/2015	04/22/2015
S 333	Soucek	Teacher Transition Data.	*R	Ch. SL 2015-126	03/26/2015	04/15/2015
S 334	Soucek	SBCC Election.	R	Ch. Res 2015-4	03/23/2015	03/25/2015
S 343	Tillman	Student Assault on Teacher/Felony Offense.	*H	Re-ref to the Com on Children, Youth, and Families, if favorable, Judiciary III	03/25/2015	04/15/2015
S 400	Barringer	School Access for Boy Scouts/Girl Scouts.	*R	Ch. SL 2015-249	03/30/2015	04/28/2015
S 401	Barringer	Pilot/Sports for Students w/ Disabilities.	S	Re-ref Com On Appropriations/Base Budget	03/26/2015	04/22/2015
S 456	Tillman	Charter School Modifications.	*H	Re-ref Com On Appropriations	04/15/2015	04/28/2015

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S 474	McKissick	Affirmative Consent Standard.	S	Re-ref to Education/Higher Education. If fav, re-ref to Health Care. If fav, re-ref to Judiciary II. If fav, re-ref to Appropriations/Base Budget	03/30/2015	
S 478	Brown	In-State Tuition For Certain Vets/Fed Prog.	*R	Ch. SL 2015-116	03/30/2015	04/28/2015
S 480	Wells	Uniform Political Activity/Employees.	*H	Ref To Com On Rules, Calendar, and Operations of the House	03/30/2015	04/22/2015
S 494	Davis	Student Attendance Recognition.	S	Re-ref Com On Education/Higher Education	03/30/2015	
S 523	Curtis	Avoid Double Billing of State Taxpayers.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	04/15/2015	
S 524	Curtis	Grad Requirements/Sports Pilot.	*S	Pres. To Gov. 09/30/2015	03/30/2015	04/28/2015
$ S 527	**Tarte**	**Wounded Warrior Motorsport Scholarship/Funds.**	**S**	**Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**03/30/2015**	
$ S 535	**Barefoot**	**NC Works Career Coaches.**	**S**	**Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**04/06/2015**	
S 536	Barefoot	Students Know Before You Go.	*H	Ref To Com On Education - Universities	04/06/2015	04/22/2015
S 554	Meredith	School Building Leasing Reform.	S	Re-ref to Education/Higher Education. If fav, re-ref to Finance	04/20/2015	
$ S 561	**Barefoot**	**Funds for Special Education Scholarships.**	***S**	**Re-ref Com On Rules and Operations of the Senate**	**04/09/2015**	**04/28/2015**
S 585	Davis	Create HBCU Advisory Board.	S	Re-ref Com On Education/Higher Education	04/09/2015	
S 593	McInnis	Improve Professor Quality/UNC System.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	04/15/2015	
$ S 594	**McInnis**	**Teach for North Carolina Pilot Program.**	**S**	**Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**04/09/2015**	

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North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

S 595	McInnis	School Safety Act.	S	Re-ref to Education/Higher Education. If fav, re-ref to Judiciary II	04/09/2015	
S 597	Tillman	Repeal References to ABCs.	*R	Ch. SL 2015-65	04/27/2015	04/28/2015
S 649	Sanderson	Access to Sports/Extracurr. for All Students.	S	Re-ref Com On Education/Higher Education	04/20/2015	
S 670	Apodaca	Term Limits for BOG Members.	*S	Pres. To Gov. 10/01/2015	03/30/2015	04/22/2015

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Senate Committee on Education/Higher Education
Wednesday, March 4, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 37	Waive Tuition/Fallen Officer Was Guardian.	Senator Smith Senator Apodaca

Adjournment

Senate Committee on Education/Higher Education
Wednesday, March 4, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on March 4, 2015 in Room 544 of the Legislative Office Building. Twenty members were present.

Senator Dan Soucek, Chair, presided.

Chairman Soucek called the meeting to order and thanked the sergeants-at-arms and the pages.

Senator Tillman was recognized and moved for adoption of the proposed committee substitute (PCS) to **SB 37 – Waive Tuition/Fallen Officer Was Guardian (Senators Smith, Apodaca)** for the purpose of discussion.

Chairman Soucek called on Senator Smith to explain the bill. Following her explanation and brief questions from members, Senator Tillman moved for a favorable report to the PCS with an unfavorable report to the original bill. The motion passed.

With no further business before the committee, Chairman Soucek thanked the members and adjourned the meeting.

The meeting adjourned at 11:15AM.

Senator Dan Soucek, Chair
Presiding

John Clark, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, March 04, 2015

Senator Soucek,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **37** Waive Tuition/Fallen Officer Was Guardian.

Draft Number:	S37-PCS35055-TC-1
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Jane Smith will handle SB 37

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SENATE BILL 37*

Short Title:	Waive Tuition/Fallen Officer Was Guardian.	(Public)
Sponsors:	Senators Smith, Apodaca (Primary Sponsors); Daniel, D. Davis, Ford, Hise, Newton, Pate, Rabin, and Van Duyn.	
Referred to:	Rules and Operations of the Senate.	

February 5, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TUITION WAIVER FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR RESCUE SQUAD WORKERS AND CERTAIN OTHERS ALSO APPLIES TO CHILDREN WHOSE LEGAL GUARDIANS ARE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR RESCUE SQUAD WORKERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115B-1(6) reads as rewritten:

"**§ 115B-1. Definitions.**

The following definitions apply in this Chapter:

...

(6) Survivor. – Any person whose ~~parent~~ parent, legal guardian, or spouse: (i) was a law enforcement officer, a firefighter, a volunteer firefighter, or a rescue squad worker, (ii) was killed while in active service or training for active service or died as a result of a service-connected disability, and (iii) at the time of active service or training was a North Carolina resident. The term does not include the widow or widower of a law enforcement officer, firefighter, volunteer firefighter, or a rescue squad worker if the widow or widower has remarried."

SECTION 2. G.S. 115B-2(a) reads as rewritten:

"(a) The constituent institutions of The University of North Carolina and the community colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:

(1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.

(2) Any person who is the survivor of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker killed as a direct result of a traumatic injury sustained in the line of duty.

(3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.

(4) Any child, if the child is at least 17 years old but not yet 24 years old, whose parent or legal guardian is a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. However, a child's eligibility for a waiver of tuition under this Chapter shall not

exceed: (i) 54 months, if the child is seeking a baccalaureate degree, or (ii) if the child is not seeking a baccalaureate degree, the number of months required to complete the educational program to which the child is applying.

(5) Any child, if the child (i) is at least 17 years old but not yet 24 years old, (ii) is a ward of North Carolina or was a ward of the State at the time the child reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for services under the Chaffee Education and Training Vouchers Program; but the waiver shall only be to the extent that there is any tuition still payable after receipt of other financial aid received by the student.

(6) Any child enrolled in a regional school established pursuant to Part 10 of Article 16 of Chapter 115C of the General Statutes who enrolls in classes at a constituent institution or community college which has a written agreement with the regional school."

SECTION 3. G.S. 115B-5(b) reads as rewritten:

"(b) The officials of the institutions charged with administration of this Chapter shall require the following proof to insure that a person applying to the institution and who requests a tuition waiver under G.S. 115B-2(2), (3), or (4) is eligible for the benefits provided by this Chapter.

(1) The parent-child relationship shall be verified by a birth certificate, legal adoption papers, or other documentary evidence deemed appropriate by the institution.

(1a) The legal guardian-child relationship shall be verified by documentary evidence deemed appropriate by the institution.

(2) The marital relationship shall be verified by a marriage certificate or other documentary evidence deemed appropriate by the institution.

(3) The cause of death of the law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker shall be verified by certification from the records of the Department of State Treasurer, the appropriate city or county law enforcement agency that employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under the Department of State Auditor, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities.

(4) The permanent and total disability shall be verified by documentation deemed necessary by the institution from the North Carolina Industrial Commission."

SECTION 4. This act is effective when it becomes law and applies to the 2015 fall academic semester and each subsequent semester.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 37*
PROPOSED COMMITTEE SUBSTITUTE S37-CSTC-1 [v.2]

2/24/2015 12:25:06 PM

Short Title: Waive Tuition/Fallen Officer Was Guardian. (Public)

Sponsors:

Referred to:

February 5, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE TUITION WAIVER FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR RESCUE SQUAD WORKERS AND CERTAIN OTHERS ALSO APPLIES TO CHILDREN WHOSE LEGAL GUARDIANS OR LEGAL CUSTODIANS ARE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OR RESCUE SQUAD WORKERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115B-1(6) reads as rewritten:

"**§ 115B-1. Definitions.**

The following definitions apply in this Chapter:

...

(6) Survivor. – Any person whose ~~parent~~ parent, legal guardian, legal custodian, or spouse: (i) was a law enforcement officer, a firefighter, a volunteer firefighter, or a rescue squad worker, (ii) was killed while in active service or training for active service or died as a result of a service-connected disability, and (iii) at the time of active service or training was a North Carolina resident. The term does not include the widow or widower of a law enforcement officer, firefighter, volunteer firefighter, or a rescue squad worker if the widow or widower has remarried."

SECTION 2. G.S. 115B-2(a) reads as rewritten:

"(a) The constituent institutions of The University of North Carolina and the community colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:

(1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.

(2) Any person who is the survivor of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker killed as a direct result of a traumatic injury sustained in the line of duty.

(3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.

(4) Any child, if the child is at least 17 years old but not yet 24 years old, whose ~~parent~~ parent, legal guardian, or legal custodian is a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. However, a child's eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 54 months, if the child is seeking a

baccalaureate degree, or (ii) if the child is not seeking a baccalaureate degree, the number of months required to complete the educational program to which the child is applying.

(5) Any child, if the child (i) is at least 17 years old but not yet 24 years old, (ii) is a ward of North Carolina or was a ward of the State at the time the child reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for services under the Chaffee Education and Training Vouchers Program; but the waiver shall only be to the extent that there is any tuition still payable after receipt of other financial aid received by the student.

(6) Any child enrolled in a regional school established pursuant to Part 10 of Article 16 of Chapter 115C of the General Statutes who enrolls in classes at a constituent institution or community college which has a written agreement with the regional school."

SECTION 3. G.S. 115B-5(b) reads as rewritten:

"(b) The officials of the institutions charged with administration of this Chapter shall require the following proof to insure that a person applying to the institution and who requests a tuition waiver under ~~G.S. 115B-2(2),~~G.S. 115B-2(a)(2), (3), or (4) is eligible for the benefits provided by this Chapter.

(1) The parent-child relationship shall be verified by a birth certificate, legal adoption papers, or other documentary evidence deemed appropriate by the institution.

(1a) The legal guardian-child relationship shall be verified by an order from a court proceeding that established the legal guardianship.

(1b) The legal custodian-child relationship shall be verified by an order from a court proceeding that established the legal custodianship.

(2) The marital relationship shall be verified by a marriage certificate or other documentary evidence deemed appropriate by the institution.

(3) The cause of death of the law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker shall be verified by certification from the records of the Department of State Treasurer, the appropriate city or county law enforcement agency that employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under the Department of State Auditor, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities.

(4) The permanent and total disability shall be verified by documentation deemed necessary by the institution from the North Carolina Industrial Commission."

SECTION 3.5. G.S. 115B-5(c) reads as rewritten:

"(c) The officials of the institutions charged with administration of this Chapter may require proof to verify that a person applying to the institution under G.S. ~~115B-2(5)~~ G.S. 115B-2(a)(5) is eligible for the benefits provided by this Chapter."

SECTION 3.7. G.S. 115B-5.1 reads as rewritten:

"**§ 115B-5.1. Student to be credited for scholarship value.**

If a person obtains a tuition waiver under G.S. ~~115B-2(2),~~ 115B-2(a)(2), (3), or (4) and the person also receives a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the person in the payment of incidental expenses of the person's attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the student."

SECTION 4. This act is effective when it becomes law and applies to the 2015 fall academic semester and each subsequent semester.

SENATE BILL 37:
Waive Tuition/Fallen Officer Was Guardian

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	February 25, 2015
Introduced by:	Sens. Smith, Apodaca	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S37-CSTC-1		

SUMMARY: Senate Bill 37 would require UNC campuses and North Carolina community colleges to waive tuition for children whose legal guardians are law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers who are killed as a direct result of traumatic injury sustained in the line of duty or are permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. The Proposed Committee Substitute for SB 37 would do the following:

- ***Also allow tuition to be waived for children whose legal custodians are killed as a direct result of traumatic injury sustained in the line of duty or are permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.***
- ***Clarify that the guardianship and custodian relationships must be verified by an order from a court proceeding.***

[As introduced, this bill was identical to H19, as introduced by Rep. C. Graham, which is currently in House Education - Universities, if favorable, Appropriations.]

CURRENT LAW: Chapter 115B of the General Statutes requires campuses of The University of North Carolina and the North Carolina community colleges to waive tuition for certain individuals including:

- Survivors of law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers killed as direct result of a traumatic injury sustained in the line of duty. The definition of "survivor" is an individual whose parent or spouse: (i) was a law enforcement officer, a firefighter, a volunteer firefighter, or a rescue squad worker, and (ii) was killed while in active service or training for active service or died as a result of a service-connected disability.
- Spouses of law enforcement officers, firefighters, volunteer firefighters, or rescue squad workers permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.
- Any child, if the child is at least 17 years old but not yet 24 years old, whose parent is a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.

The relationships are verified by birth certificates or marriage certificates or other documentary evidence deemed appropriate by the institution.

BILL ANALYSIS: The Proposed Committee Substitute for Senate Bill 37 would require UNC campuses and North Carolina community colleges to waive tuition for children whose legal guardians and legal custodians are law enforcement officers, firefighters, volunteer firefighters, or rescue squad

workers who are killed as a direct result of traumatic injury sustained in the line of duty or are permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. The PCS also provides that the guardianship and custodian relationships must be verified by an order from a court proceeding rather than evidence deemed appropriate by the institution.

Finally, the PCS makes several technical changes to fix incorrect cross-references in the relevant statutes.

EFFECTIVE DATE: The bill would become effective when it becomes law and would apply beginning with the 2015 fall academic semester.

VISITOR REGISTRATION SHEET

Education - Higher Education 3-4-15

~~HEALTH AND HUMAN SERVICES~~

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Chris A. Nichols	Chris A. Nichols PLLC
JUNN MIDGETTE	NC PBA
Rochelle Spanko	CFSA
Margaret Schneider	Senate intern
Tom West	NCICU
Drew Moretz	UNCGA
Jonathan Kappler	UNC GA
	NCC

VISITOR REGISTRATION SHEET

Education - Higher Education 3-4-2015

Name of Committee Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Zane Stilwell	NC SBE
David Collins	SEANC
Chuck Stone	SEANC
David Follin	Van Black
Anna Poland	Pub Sector Group

Senate Committee on Education/Higher Education
Wednesday, March 25, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 176	Charter School Grade Level Expansion.	Senator Rabin
SJR 334	SBCC Election.	Senator Soucek Senator Tillman

Adjournment

Senate Committee on Education/Higher Education
Wednesday, March 25, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on March 25, 2015 in Room 544 of the Legislative Office Building. 20 members were present.

Sen. Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Senator Rabin was recognized and explained **SB 176 Charter School Grade Level Expansion. (Senator Rabin).** Following questions from the committee members, Senator Newton was recognized and moved for a favorable report and the motion passed.

Senator Soucek was recognized and explained **SJR 334 SBCC Election. (Senators Soucek, Tillman).** Senator Barefoot was recognized and moved for a favorable report and the motion passed.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 11:24.

Sen. Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, March 25, 2015

Senator Tillman,
submits the following with recommendations as to passage:

FAVORABLE

SB **176** Charter School Grade Level Expansion.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

SJR **334** SBCC Election.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Ronald Rabin will handle SB 176
Senator Daniel Soucek will handle SJR 334

SENATE BILL 176

Short Title:	Charter School Grade Level Expansion.	(Public)
Sponsors:	Senator Rabin (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

March 5, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE GRADE LEVEL EXPANSION IN CHARTER SCHOOLS IN AREAS MEETING CERTAIN CRITERIA TO MEET THE NEEDS OF RAPIDLY GROWING POPULATIONS NEAR MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. A charter school granted a charter to open an elementary school in the 2014-2015 school year may expand the school to include a middle school serving grade six during the 2015-2016 school year if the charter school is located in a county that meets all of the following criteria:

(1) The county is adjacent to a county with a major military installation, as defined in G.S. 143-151.71.

(2) The county's population is greater than 100,000, as determined by the 2010 United States Census.

(3) The population percent change of the county since the 2010 Census exceeds eight percent (8%), as determined by the United States Census Bureau.

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

SENATE BILL 176:
Charter School Grade Level Expansion

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	March 25, 2015
Introduced by:	Sen. Rabin	**Prepared by:**	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 176 would allow grade level expansion in charter schools situated in localities that meet certain criteria.

[As introduced, this bill was identical to H181, as introduced by Rep. Lewis, which is currently in House Education - K-12.]

CURRENT LAW: A charter school does not have to obtain the approval of the State Board of Education (SBE) to do any of the following: (i) increase enrollment during the second year of operation and annually thereafter by up to 20% of the previous year's enrollment; (ii) increase enrollment in its second year of operation as authorized by its charter; (iii) expand to offer one grade level higher than it offers if it has operated for 3 years and is not identified as having inadequate performance.

Until September 1, 2015, a charter school also does not need prior approval of the SBE in order to expand one grade level higher or lower than it currently offers if it meets all of the following:

- The student academic outcomes for the year prior to expansion are comparable to the academic outcomes of the local school administrative unit (LEA) in which the charter is located.
- The charter school has financially sound audits for the year prior to the expansion.
- The charter school is in compliance with State law, federal law, the school's own by-laws, or the provisions of its charter granted by the SBE.
- The charter school has been in operation for less than 3 years.

The charter school does have to provide documentation of these 4 requirements to the SBE. The SBE must allow it to expand one grade level higher or lower unless the SBE finds that the charter school has not met the 4 requirements or other exceptional circumstances exist which justify not allowing the expansion.

BILL ANALYSIS: Senate Bill 176 would allow a charter school that was given a charter to open an elementary school in the 2014-2015 school year to expand to include a middle school that serves grade 6 during the 2015-2016 school year without having to obtain SBE approval if the charter school is located in a county that meets all of the following criteria:

- The county is adjacent to a county with a major military installation.
- The county's population is greater than 100,000 from the 2010 Census.
- The population percent change of the county since the 2010 Census exceeds 8% as determined by the United States Census Bureau.

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

SENATE JOINT RESOLUTION 334

Sponsors:	Senators Soucek and Tillman (Primary Sponsors).
Referred to:	Rules and Operations of the Senate.

March 19, 2015

A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. Pursuant to G.S. 115D-2.1(b)(4)f., the House of Representatives and the Senate shall elect members to the State Board of Community Colleges during the regular sessions of the two chambers to be held on Thursday, April 16, 2015. At that time, the House of Representatives shall elect two members to the State Board for a term of six years beginning July 1, 2015. The Senate also shall elect two members to the State Board for a term of six years beginning July 1, 2015.

SECTION 2. Each chamber shall follow the procedure set out in G.S. 115D-2.1 for the nomination and election of members to the State Board.

SECTION 3. This resolution is effective upon ratification.

VISITOR REGISTRATION SHEET

Education/Higher Ed

(Committee Name)

3-25-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Vanessa Drew Branch	University of North Carolina Charlotte School of Social Work
Johnetta Truesdale	North Carolina State University (Masters Social Work program)
Marsha Cullins	North Carolina State University

09-21-201

VISITOR REGISTRATION SHEET

Education/Higher Ed

(Committee Name)

3-25-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rachel Beaulieu	NCDPI
Jessica Starnes	CCS
Zane Stilwell	NCSBE
Susan Harrison	NCSSWA
Cheryl Posner-Cahill	NC School Psych Assoc
Adam Pridemore	NCASA
Rosalva Soto	NASW
Donna B Clark	UNC Dept Govt.
Sarah Wolfe	MNC
Joyce Peters	CSS
Austin Blythe	Mars Hill University
Elizabeth Anderson	Mars Hill University
Caroline Twiggs	Mars Hill University (NASW)
Ann Cotton	UNC Chapel Hill School Social Work
Sherise De Leon	NASW/UNC-CH Social Work
Kelly Brooks	NASW/UNC-CH SW
Chris Rolle	UNC-C School of Social Work

VISITOR REGISTRATION SHEET

Education/Higher Ed

(Committee Name)

3-25-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Shuping	NCCCS
Nick Goertsch	OSBW
Bruce Muldowney	NCSBA
Thomas Gantt	NCSU Dept of Social Work
Ciara Albritton	NCSU Dept. of Social Work
Julie Kowal	BEST NC
Margaret Schneider	Senate Intern
Allen Richard	NCSU Dept of social work
Tiffany Braun	NCSU Dept. of Social Work
GEORGE ONSANDO	Social Work Dept NC State University
Bianca Sherick	Social Worker/NCSU.
Krista Spoon	NCSU Dept of Social Work
Pam Kuras	NCSU Social work
Lorrinda Janik	NCSU Social Work
Andrea Daye	NCSU social work Dept
Olivia REESER	NCSU social WORK
JASON TREW	NC STATE SOCIAL WORK

VISITOR REGISTRATION SHEET

Education/Higher Ed

(Committee Name)

3-25-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ROARK WHITEHEAD	NASW ADVOCACY DAY (NC STATE MSW PROGRAM)
Kimberly Fien	NCSU student, MSW
Carol Clark	NCSU MSW student
[signature]	NC AFL-CIO
[signature]	Bailey & Dixon

09-21-201

Senate Committee on Education/Higher Education
Wednesday, April 1, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 279	Amend Qualifications/Practice of Counseling.	Senator Barefoot
SB 298	School Bus Cameras/Civil Penalties.	Senator Alexander Senator McInnis
SB 315	School Playgrounds Available to Public.	Senator Pate Senator Tillman Senator Van Duyn

Adjournment

Senate Committee on Education/Higher Education
Wednesday, April 1, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on April 1, 2015 in Room 544 of the Legislative Office Building. Twenty-three members were present.

Senator Dan Soucek, Chair, presided.

Chairman Soucek called the meeting to order at 11:07AM and thanked the Sergeants-at-Arms and the pages.

Senator Robinson was recognized and moved for adoption of the PCS for **SB 298 School Bus Cameras/Civil Penalties. (Senators Alexander, McInnis)** Senators McInnis and Alexander were recognized and explained the bill. Drupti Chauhan of the General Assembly's Research Division was called on as well for a more detailed explanation. Following questions from members, Senator Tillman moved for a favorable report to the PCS with an unfavorable report to the original bill. The motion passed.

Chairman Soucek then recognized Senator Tillman, who moved for adoption of the PCS to **SB 315 School Playgrounds Available to Public. (Senators Pate, Tillman, Van Duyn)** Senator Pate was recognized and explained the bill. After questions from the members, Senator Rabin moved for a favorable report to the PCS with an unfavorable report to the original bill. The motion passed.

Senator Barefoot was then recognized to explain **SB 279 Amend Qualifications/Practice of Counseling. (Senator Barefoot)** Dr. Katherine Glenn of the North Carolina Board of Licensed Professional Counselors was recognized and spoke in opposition to the bill. Following questions from the members, Senator Rabin moved for a favorable report to the bill. The motion passed.

The meeting adjourned at 11:44AM.

Senator Dan Soucek, Chair
Presiding

John Clark, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, April 01, 2015

Senator Soucek,
submits the following with recommendations as to passage:

FAVORABLE

SB **279** Amend Qualifications/Practice of Counseling.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **298** School Bus Cameras/Civil Penalties.

Draft Number:	S298-PCS15219-TC-9
Sequential Referral:	Judiciary II
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator John Barefoot will handle SB 279
Senator John Alexander will handle SB 298

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, April 01, 2015

Senator Soucek,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **315** School Playgrounds Available to Public.

Draft Number:	S315-PCS25221-TB-11
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Louis Pate will handle SB 315

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 279

Short Title:	Amend Qualifications/Practice of Counseling.	(Public)
Sponsors:	Senator Barefoot (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate.	

March 16, 2015

A BILL TO BE ENTITLED

AN ACT AMENDING THE PROFESSIONAL COUNSELORS ACT TO MODIFY EDUCATIONAL QUALIFICATIONS FOR THE PRACTICE OF COUNSELING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-336(b) reads as rewritten:

"(b) The Board shall issue a license as a "licensed professional counselor associate" to an applicant who meets all of the following criteria:

(1) Has earned a minimum of 48 semester hours or 72 quarter credit hours of graduate training as defined by the Board, including a master's degree in counseling or a related field from a regionally or nationally accredited institution of higher education if the applicant enrolled in the master's program before July 1, 2009; a minimum of 54 semester hours or 81 quarter credit hours of graduate training as defined by the Board, including a master's degree in counseling or a related field from a regionally or nationally accredited institution of higher education if the applicant enrolled in the master's program before July 1, 2013, but after June 30, 2009; or a minimum of 60 semester hours or 90 quarter credit hours of graduate training as defined by the Board, including a master's degree in counseling or a related field from a regionally or nationally accredited institution of higher education if the applicant enrolled in the master's program after June 30, 2013.

(2) Repealed by Session Laws 2009-367, s. 6, effective October 1, 2009.

(3) Has passed an examination in accordance with rules adopted by the Board."

SECTION 2. This act becomes effective October 1, 2015.

SENATE BILL 279:
Amend Qualifications/Practice of Counseling

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 1, 2015
Introduced by:	Sen. Barefoot	**Prepared by:**	James Ritter
Analysis of:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 279 would require counseling programs in North Carolina be regionally or nationally accredited. Currently, only degrees from regionally accredited colleges and universities are included in the criteria for issuing a license.

CURRENT LAW: The Board of Licensed Professional Counselors issues a license for the practice of counseling. Colleges and universities with counseling programs must be accredited at the regional level in order for their graduates to qualify for licensure in North Carolina. Any person seeking to be a licensed professional counselor associate must meet specific criteria, including one of the following:

- Have earned a minimum of 48 semester hours or 72 quarter credit hours of graduate training as defined by the Board, including a master's degree in counseling or a related field from a regionally accredited institution of higher education if the applicant enrolled in the master's program before July 1, 2009.
- Have earned a minimum of 54 semester hours or 81 quarter credit hours of graduate training as defined by the Board, including a master's degree in counseling or a related field from a regionally accredited institution of higher education if the applicant enrolled in the master's program between June 30, 2009 and July 1, 2013.
- Have earned a minimum of 60 semester hours or 90 quarter credit hours of graduate training as defined by the Board, including a master's degree in counseling or a related field from a regionally accredited institution of higher education if the applicant enrolled in the master's program after June 30, 2013.

BILL ANALYSIS: Senate Bill 279 would allow college and university counseling programs to be nationally accredited, as well as regionally accredited for the purposes of meeting the educational requirements for individuals seeking to become licensed professional counselor associates.

EFFECTIVE DATE: This act becomes effective October 1, 2015.

BACKGROUND: Counseling programs in North Carolina are accredited regionally as part of the college or university institutional accreditation process. Regional accreditation of counseling programs in North Carolina is through the Southern Association of Colleges and Schools (SACS), as part of AdvancEd. An example of a national accrediting agency for counseling programs would be the Council for Accreditation of Counseling and Related Educational Programs (CACREP). CACREP accredits counseling programs individually within colleges and universities using national standards as part of the counseling program accreditation process.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 298

Short Title:	School Bus Cameras/Civil Penalties.	(Public)
Sponsors:	Senators Alexander, McInnis (Primary Sponsors); and Rabin.	
Referred to:	Rules and Operations of the Senate.	

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL BUS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-246. Use of photographs or videos recorded by automated school bus safety cameras.**

(a) Definitions. – The following definitions apply in this section:

(1) Automated school bus safety camera. – As defined in G.S. 115C-242.1.

(2) Officials or agents. – This term includes a local board of education located within the county or a private vendor contracted with under G.S. 115C-242.1.

(3) School bus. – As used in G.S. 20-217.

(b) Civil Enforcement. – A county may adopt an ordinance for the civil enforcement of G.S. 20-217 by means of an automated school bus safety camera installed and operated on any school bus located within that county. Notwithstanding the provisions of G.S. 14-4, in the event that a county adopts an ordinance pursuant to this section, a violation of the ordinance shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 30 days after notification of the violation, furnishes the officials or agents of the county that issued the citation either of the following:

a. An affidavit stating the name and address of the person or company who had the care, custody, and control of the vehicle.

b. An affidavit stating that the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(2) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.

(3) A violation of the ordinance shall be deemed a noncriminal violation for which a civil penalty of five hundred dollars ($500.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) and no insurance points authorized by G.S. 58-36-65 shall be assigned to the owner or driver of the vehicle.

(4) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the county and shall be forwarded by personal service or first class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to a late penalty of one hundred dollars ($100.00) in addition to the civil penalty assessed under subdivision (3) of this section. In addition, the Division of Motor Vehicles shall refuse to register any motor vehicle for the owner pursuant to G.S. 20-54(11). The county may establish procedures for providing notice to the Division of Motor Vehicles and for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

(5) The county shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.

(c) Notice. – An automated school bus safety camera installed on a school bus must be identified by appropriate warning signs conspicuously posted on the school bus. All warning signs shall be consistent with a statewide standard adopted by the Department of Public Instruction in conjunction with local boards of education that install and operate automated school bus safety cameras on their school buses.

(d) Application. – Nothing in this section shall be construed to do any of the following:

(1) Require the installation and operation of automated school bus safety cameras on a school bus.

(2) Prohibit the use and admissibility of any photograph or video recorded by an automated school bus safety camera in any criminal proceeding alleging a violation of G.S. 20-217.

(3) Prohibit the imposition of penalties, including the assignment of points authorized by G.S. 20-16(c) and insurance points authorized by G.S. 58-36-65, on any owner or driver of the vehicle convicted of a misdemeanor or felony violation of G.S. 20-217."

SECTION 2. Article 17 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-242.1. Installation and operation of automated school bus safety camera.**

(a) Definition. – An "automated school bus safety camera" is a device that is affixed to a school bus, as that term is used in G.S. 20-217, that is synchronized to automatically record photographs or video of a vehicle at the time the vehicle is detected for a violation of (i) G.S. 20-217 or (ii) an ordinance adopted under G.S. 153A-246.

(b) Installation and Operation. – A local board of education located within a county that has adopted an ordinance under G.S. 153A-246, or a private vendor contracted with in accordance with subsections (c) or (d) of this section, may install and operate automated school bus safety cameras on any school bus operated by the local board of education.

(c) Statewide or Regional Contract. – The Department of Public Instruction is authorized to enter into a contract for a statewide service or contracts for regional services to install and operate automated school bus safety cameras. Except as provided in subsection (d)

of this section, all automated school bus safety cameras installed and operated pursuant to an ordinance adopted under G.S. 153A-246 shall be subject to contracts entered into under this subsection. Contracts shall be let by the Department of Public Instruction in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes. The maximum length of any contract entered into under this subsection shall be three years.

(d) Exceptions to Statewide or Regional Contract. – The requirement in subsection (c) of this section shall not apply to any of the following:

(1) A local board of education that installs and operates automated school bus safety cameras pursuant to an ordinance adopted under G.S. 153A-246 without contracting with a private vendor for the installation and operation of the automated school bus safety cameras.

(2) A local board of education of a local school administrative unit with an average daily membership of 50,000 students or more. A local board of education meeting the requirement of this subdivision may contract with a private vendor of its own choosing to install and operate automated school bus safety cameras pursuant to an ordinance adopted under G.S. 153A-246. The maximum length of any contract entered into under this subdivision shall be three years.

(3) A local board of education entered into a contract prior to July 1, 2015, with a private vendor to install and operate automated school bus safety cameras.

(e) Evidence in Criminal Proceeding. – Any photographs or videos recorded by an automated school bus safety camera that capture a violation of G.S. 20-217 shall also be provided to the investigating law enforcement agency for use as evidence in any proceeding alleging a violation of G.S. 20-217."

SECTION 3. G.S. 20-54 reads as rewritten:

"§ 20-54. Authority for refusing registration or certificate of title.

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

...

(11) The Division has been notified (i) pursuant to G.S. 20-217(g2) that the owner of the vehicle has failed to pay any fine imposed pursuant to ~~G.S. 20-217.~~G.S. 20-217 or (ii) pursuant to G.S. 153A-246(b)(4) that the owner of the vehicle has failed to pay a civil penalty under G.S. 153A-246."

SECTION 4. G.S. 20-217 reads as rewritten:

"§ 20-217. Motor vehicles to stop for properly marked and designated school buses in certain instances; evidence of identity of driver.

...

(h) ~~Automated camera and video recording systems~~Automated school bus safety cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this section. Any photograph or video recorded by ~~a camera or video recording system~~an automated school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be admissible as evidence in any proceeding alleging a violation of subsection (a) of this section. Failure to produce a photograph or video recorded by an automated school bus safety camera shall not preclude prosecution under this section.

(i) In addition to the penalties imposed under this section, the owner or driver of a vehicle may be subject to a civil penalty pursuant to an ordinance adopted under G.S. 153A-246."

SECTION 5. This act becomes effective July 1, 2015, and applies to offenses and violations committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 298
PROPOSED COMMITTEE SUBSTITUTE S298-CSTC-9 [v.5]

3/31/2015 3:33:11 PM

Short Title: School Bus Cameras/Civil Penalties. (Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL BUS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-246. Use of photographs or videos recorded by automated school bus safety cameras.**

(a) Definitions. – The following definitions apply in this section:

(1) Automated school bus safety camera. – As defined in G.S. 115C-242.1.

(2) Officials or agents. – This term includes a local board of education located within the county or a private vendor contracted with under G.S. 115C-242.1.

(3) School bus. – As used in G.S. 20-217.

(b) Civil Enforcement. – A county may adopt an ordinance for the civil enforcement of G.S. 20-217 by means of an automated school bus safety camera installed and operated on any school bus located within that county. Notwithstanding the provisions of G.S. 14-4, in the event that a county adopts an ordinance pursuant to this section, a violation of the ordinance shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The registered owner of a vehicle shall be responsible for a violation unless the registered owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The registered owner of the vehicle shall not be responsible for the violation if the registered owner of the vehicle, within 30 days after notification of the violation, furnishes the officials or agents of the county that issued the citation either of the following:

a. An affidavit stating the name and address of the person or company who had the care, custody, and control of the vehicle.

b. An affidavit stating that the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(2) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.

(3) A violation of the ordinance shall be deemed a noncriminal violation for which a civil penalty of five hundred dollars ($500.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) and no insurance points authorized by G.S. 58-36-65 shall be assigned to the registered owner or driver of the vehicle.

(4) The registered owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the registered owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the county and shall be forwarded by personal service or first class mail to the address given on the motor vehicle registration. If the registered owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the registered owner shall have waived the right to contest responsibility for the violation and shall be subject to a late penalty of one hundred dollars ($100.00) in addition to the civil penalty assessed under subdivision (3) of this section. In addition, the Division of Motor Vehicles shall refuse to register the motor vehicle for the owner pursuant to G.S. 20-54(11). The county may establish procedures for providing notice to the Division of Motor Vehicles and for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

(5) The county shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.

(c) Notice. – An automated school bus safety camera installed on a school bus must be identified by appropriate warning signs conspicuously posted on the school bus. All warning signs shall be consistent with a statewide standard adopted by the State Board of Education in conjunction with local boards of education that install and operate automated school bus safety cameras on their school buses.

(d) Application. – Nothing in this section shall be construed to do any of the following:

(1) Require the installation and operation of automated school bus safety cameras on a school bus.

(2) Prohibit the use and admissibility of any photograph or video recorded by an automated school bus safety camera in any criminal proceeding alleging a violation of G.S. 20-217.

(3) Prohibit the imposition of penalties, including the assignment of points authorized by G.S. 20-16(c) and insurance points authorized by G.S. 58-36-65, on any registered owner or driver of the vehicle convicted of a misdemeanor or felony violation of G.S. 20-217."

SECTION 2. Article 17 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-242.1. Installation and operation of automated school bus safety camera.**

(a) Definition. – An "automated school bus safety camera" is a device that is affixed to a school bus, as that term is used in G.S. 20-217, that is synchronized to automatically record photographs or video of a vehicle at the time the vehicle is detected for a violation of (i) G.S. 20-217 or (ii) an ordinance adopted under G.S. 153A-246.

(b) Installation and Operation. – Automated school bus safety cameras may be installed and operated on any school bus operated by a local board of education within a county that has adopted an ordinance under G.S. 153A-246 as follows:

(1) A local board of education may install and operate automated school bus safety cameras without contracting with a private vendor.

(2) A local board of education may enter into a contract to install and operate automated school bus safety cameras with a private vendor. Contracts shall

be let in accordance with the provision of Article 3 of Chapter 143 of the General Statutes. The maximum length of any contract enter into under this subdivision shall be three years.

(3) Upon request by one or more local boards of education, the State Board of Education shall enter into a contract for a statewide service or contracts for regional services to install and operate automated school bus safety cameras with a private vendor. These contracts shall be let accordance with the provision of Article 3 of Chapter 143 of the General Statutes. The maximum length of any contract entered into under this subdivision shall be three years.

(c) Interlocal Agreements. – Any local board of education and board of county commissioners may enter into an interlocal agreement necessary and proper to effectuate the purpose and intent of this section and G.S. 153A-246. Any agreement entered into pursuant to this subsection may include provisions on cost-sharing and reimbursement that the local board of education and board of county commissioners freely and voluntarily agree to for the purposes of effectuating this section and G.S. 153A-246.

(d) Evidence in Criminal Proceeding. – Any photographs or videos recorded by an automated school bus safety camera that capture a violation of G.S. 20-217 shall also be provided to the investigating law enforcement agency for use as evidence in any proceeding alleging a violation of G.S. 20-217."

SECTION 3. G.S. 20-54 reads as rewritten:

"**§ 20-54. Authority for refusing registration or certificate of title.**

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

...

(11) The Division has been notified (i) pursuant to G.S. 20-217(g2) that the owner of the vehicle has failed to pay any fine imposed pursuant to ~~G.S. 20-217.~~G.S. 20-217 or (ii) pursuant to G.S. 153A-246(b)(4) that the owner of the vehicle has failed to pay a civil penalty under G.S. 153A-246."

SECTION 4. G.S. 20-217 reads as rewritten:

"**§ 20-217. Motor vehicles to stop for properly marked and designated school buses in certain instances; evidence of identity of driver.**

...

(h) ~~Automated camera and video recording systems~~Automated school bus safety cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this section. Any photograph or video recorded by ~~a camera or video recording system~~an automated school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be admissible as evidence in any proceeding alleging a violation of subsection (a) of this section. Failure to produce a photograph or video recorded by an automated school bus safety camera shall not preclude prosecution under this section.

(i) In addition to the penalties imposed under this section, the owner or driver of a vehicle may be subject to a civil penalty pursuant to an ordinance adopted under G.S. 153A-246."

SECTION 5. The North Carolina Administrative Office of the Courts shall annually submit a report covering the most recent five years prior to the reporting date to the North Carolina Child Fatality Task Force and the North Carolina General Assembly by October 1 on the following information:

(1) Total number of offenses charged under G.S. 20-217, by county.

(2) Total number of convictions under G.S. 20-217, by county.

SECTION 6. A county that adopts an ordinance as provided in G.S. 153A-246, as enacted by this act, shall maintain records of all noncriminal violations of that ordinance for

which a civil penalty is assessed. Upon request, the county shall provide at least five years of those records to the North Carolina Child Fatality Task Force and the North Carolina General Assembly.

SECTION 6.5. Within 90 days of the enactment of this act, the State Board of Education shall develop a model contract for use by the local boards of education in letting and awarding contracts in accordance with Article 3 of Chapter 143 of the General Statutes for the installation and operation of automated school bus safety cameras as provided in G.S. 115C-242.1. The State Board of Education and the Department of Public Instruction shall provide technical assistance to a local board of education on this process upon a request by the local board.

SECTION 7. This act becomes effective July 1, 2015, and applies to offenses and violations committed on or after that date. The requirements in G.S. 115C-242.1(b)(2), as enacted by this act, shall not apply to a local board of education which entered into a contract prior to July 1, 2015, with a private vendor to install and operate automated school bus safety cameras.

SENATE BILL 298:
School Bus Cameras/Civil Penalties

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Judiciary II	**Date:**	April 1, 2015
Introduced by:	Sens. Alexander, McInnis	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition S298-CSTC-9		

SUMMARY: Senate Bill 298 would allow counties to adopt ordinances for the civil enforcement of a violation of G.S. 20-217 which requires motor vehicles to stop for school buses in certain instances. It would also provide for statewide, regional, or local contracts for the installation and operation of automated school bus safety cameras in school buses.

The Proposed Committee Substitute authorizes all local boards of education (regardless of size) to enter into their own contracts with vendors for the installation and operation of automated school bus safety cameras; adds a provision authorizing local boards of education to enter into interlocal agreements with the board of county commissioners to implement the act; directs the Administrative Offices of the Courts to report to the Child Fatality Task Force and the General Assembly on charges and convictions under G.S. 20-217; and directs the State Board of Education to develop a model contract for use by the local boards of education.

CURRENT LAW: G.S. 20-217 requires motor vehicles to stop for school buses that are displaying their mechanical stop signals or flashing red lights and are stopped for the purposes of receiving or discharging passengers. Automated camera and video recording systems may be used to detect and prosecute violations of this law and photographs and videos from such systems can be admitted as evidence if consistent with the North Carolina Rules of Evidence.

BILL ANALYSIS:

County Ordinance

Section 1 of the Proposed Committee Substitute (PCS) for SB 298 would provide that counties may adopt an ordinance for the civil enforcement of a violation of G.S. 20-217 which requires motor vehicles to stop for school buses in certain instances.

The registered owner (owner) of a motor vehicle would be responsible for a violation of the ordinance.

The owner would not be responsible for the violation if, within 30 days of the notification of the violation, he or she provides: (i) an affidavit with the name and address of the person who had the care, custody, and control of the vehicle; or (ii) an affidavit that, at the time of the violation, the vehicle was stolen. If the affidavit provides that the vehicle had been stolen, there must also be evidence that supports this assertion such as a police or insurance report.

The owner also is not responsible for the violation if the notice is given to the owner more than 90 days after the violation.

A violation of the civil ordinance would be a noncriminal violation for which a civil penalty of $500.00 must be assessed. No points shall accrue for driver's license or insurance purposes. Points may still be imposed if there is a conviction of a criminal misdemeanor or felony violation of G.S. 20-217.

The citation for the violation of the ordinance must state how the violation may be challenged and is to be processed by officials or agents of the county and forward by personal service or first class mail to the address given on the motor vehicle registration. Failure to pay the civil penalty or respond to the citation within the specified time period results in the owner's waiver of the right to contest responsibility for the violation and would result in a late penalty of $100.00 in addition to the $500.00 civil penalty.

The Division of Motor Vehicles must refuse to register any vehicle for the owner and the county may establish the procedures for providing notice to the Division of Motor Vehicles. The county may also establish the procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of the debt.

Required Notice of Cameras – The PCS would provide that an automated school bus safety camera installed on a school bus must be identified by appropriate warning signs posted on the school bus. All warning signs must be consistent with a statewide standard adopted by the State Board of Education (SBE) along with the local boards of education that install and operate automated school bus safety cameras on their school buses.

Installation and Operation of Automated School Bus Safety Cameras

Section 2 of the PCS provides that a local board of education (local board) may install and operate automated school bus safety cameras on any school bus operated by that local board within a county that adopted an ordinance for the civil enforcement of a violation of G.S. 20-217 as provided in Section 1 of the PCS.

The procedure for the installation and operation of automated school bus safety cameras would be as follows:

- A local board may install and operate automated school bus safety cameras without contracting with a private vendor.
- A local board may enter into a contract to install and operate automated school bus safety cameras with a private vendor. Such contracts must be let in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes with the maximum length of the contract being 3 years.
- Upon request by one or more local boards, the State Board of Education (SBE) must enter into a contract for a statewide service or contracts for regional services to install and operate automated school bus safety cameras with a private vendor. Such contracts must be let in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes with the maximum length of the contract being 3 years.

A local board of education and a board of county commissioners may enter into an interlocal agreement to effectuate the purpose of ordinance and the installation and operation of the automated school bus safety carneras. This agreement may include provisions on cost-sharing and reimbursements.

Photographs and videos recorded by an automated school bus safety camera that capture a violation of G.S. 20-217 must be provided to investigating law enforcement agencies for use as evidence in proceedings concerning a violation of G.S. 20-217.

Sections 3 and 4 of the PCS make conforming changes that (i) direct the Division of Motor Vehicle to refuse registration if the owner of the vehicle has failed to pay the civil penalty under the county ordinance and (ii) provide that failure to produce a photograph or video recorded by an automated school bus safety camera does not preclude criminal prosecution under G.S. 20-217; and (iii) clarify that

the owner or driver of the vehicle can be civil penalty under the county ordinance in addition to the criminal penalty for a violation of G.S. 20-217.

Section 5 of the PCS requires the NC Administrative Offices of the Courts to annually report on the most recent 5 years to the NC Child Fatality Task Force and the NC General Assembly on the total number of offenses charged and convictions under G.S. 20-217 by county.

Section 6 of the PCS requires a county that adopts the civil ordinance to maintain records of all noncriminal violations of the ordinance for which a civil penalty is assessed and provide at least 5 years of those records upon request to the NC Child Fatality Task Force and the NC General Assembly.

Section 6.5 of the PCS requires the SBE to develop a model contract for use by the local boards in letting and awarding contracts for the installation and operation of the automated school bus safety cameras. The SBE and the Department of Public Instruction must provide technical assistance to a local board if requested to do so.

EFFECTIVE DATE: This act would become effective July 1, 2015 and applies to offenses and violations committed on or after that date. The requirements for local boards entering into their own contracts with private vendors do not apply to a local board that entered into a contract before July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 315

Short Title:	School Playgrounds Available to Public.	(Public)
Sponsors:	Senators Pate, Tillman, Van Duyn (Primary Sponsors); Hise, B. Jackson, Rabin, Sanderson, and Smith-Ingram.	
Referred to:	Rules and Operations of the Senate.	

March 18, 2015

A BILL TO BE ENTITLED

AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO MAKE OUTDOOR SCHOOL PROPERTY AVAILABLE TO THE PUBLIC FOR RECREATIONAL PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-524 reads as rewritten:

"**§ 115C-524. Repair of school property; use of buildings for other than school purposes.**

(a) Repair of school buildings is subject to the provisions of G.S. 115C-521(c) and (d).

(b) It shall be the duty of local boards of education and tax-levying authorities, in order to safeguard the investment made in public schools, to keep all school buildings in good repair to the end that all public school property shall be taken care of and be at all times in proper condition for use. It shall be the duty of all principals, teachers, and janitors to report to their respective boards of education immediately any unsanitary condition, damage to school property, or needed repair. All principals, teachers, and janitors shall be held responsible for the safekeeping of the buildings during the school session and all breakage and damage shall be repaired by those responsible for same, and where any principal or teacher shall permit damage to the public school buildings by lack of proper discipline of pupils, such principal or teacher shall be held responsible for such damage: Provided, principals and teachers shall not be held responsible for damage that they could not have prevented by reasonable supervision in the performance of their duties.

(c) Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of education may adopt rules and regulations under which they may enter into agreements permitting non-school groups to use school real and personal property, except for school buses, for other than school purposes so long as such use is consistent with the proper preservation and care of the public school property. No liability shall attach to any board of education, individually or collectively, for personal injury suffered by reason of the use of such school property pursuant to such agreements.

(d) Local boards of education may make outdoor school property available to the public for recreational purposes so long as such use is consistent with the proper preservation and care of the outdoor school property. No liability shall attach to any board of education, individually or collectively, for personal injury suffered by reason of the use of such school property pursuant to such agreements."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 315
PROPOSED COMMITTEE SUBSTITUTE S315-CSTB-11 [v.5]

3/31/2015 5:54:39 PM

Short Title: School Playgrounds Available to Public. (Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO MAKE OUTDOOR SCHOOL PROPERTY AVAILABLE TO THE PUBLIC FOR RECREATIONAL PURPOSES AND MAKES OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-524 reads as rewritten:

"**§ 115C-524. Repair of school property; use of buildings for other than school purposes.**

(a) Repair of school buildings is subject to the provisions of G.S. 115C-521(c) and (d).

(b) It shall be the duty of local boards of education and tax-levying authorities, in order to safeguard the investment made in public schools, to keep all school buildings in good repair to the end that all public school property shall be taken care of and be at all times in proper condition for use. It shall be the duty of all principals, teachers, and janitors to report to their respective boards of education immediately any unsanitary condition, damage to school property, or needed repair. All principals, teachers, and janitors shall be held responsible for the safekeeping of the buildings during the school session and all breakage and damage shall be repaired by those responsible for same, and where any principal or teacher shall permit damage to the public school buildings by lack of proper discipline of pupils, such principal or teacher shall be held responsible for such damage: Provided, principals and teachers shall not be held responsible for damage that they could not have prevented by reasonable supervision in the performance of their duties.

(c) Notwithstanding the provisions of G.S. 115C-263 and 115C-264, local boards of education may adopt rules and regulations under which they may enter into agreements permitting non-school groups to use school real and personal property, except for school buses, for other than school purposes so long as such use is consistent with the proper preservation and care of the public school property. No liability shall attach to any board of ~~education, individually or collectively,~~education or to any individual board member for personal injury suffered by reason of the use of such school property pursuant to such agreements.

(d) Local boards of education may make outdoor school property available to the public for recreational purposes, subject to any terms and conditions each board deems appropriate, (i) when not otherwise being used for school purposes and (ii) so long as such use is consistent with the proper preservation and care of the outdoor school property. No liability shall attach to any board of education or to any individual board member for personal injury suffered by reason of the use of such school property."

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

SENATE BILL 315:
School Playgrounds Available to Public

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 1, 2015
Introduced by:	Sens. Pate, Tillman, Van Duyn	**Prepared by:**	Denise Adams
Analysis of:	PCS to First Edition S315-CSTB-11		Legislative Analyst

SUMMARY: ***Senate Bill 315 would authorize local boards of education to make outdoor school property available to the public for recreational purposes.***

The Proposed Committee Substitute (PCS) for Senate Bill 315 would (i) clarify outdoor school property may be available to the public for recreational purposes when not otherwise being used for school purposes and (ii) make several conforming and technical changes.

CURRENT LAW: Under current law, local boards of education may adopt rules and regulations under which they may enter into agreements permitting non-school groups to use most school real and personal property for non-school purposes so long as such use is consistent with the proper preservation and care of the public school property. Current law provides that liability does not attach to any board of education, individually or collectively, for personal injury suffered by reason of the use of school property used under the agreement.

BILL ANALYSIS: The PCS for Senate Bill 315 would authorize local boards of education to make outdoor school property available to the public for recreational purposes, subject to terms and conditions each board deems appropriate, (i) when not otherwise being used for school purposes and (ii) so long as such use is consistent with the proper preservation and care of the school property.

The PCS would also provide that liability does not attach to any board of education or any individual board member for personal injury suffered by reason of the use of school property.

The PCS makes several other conforming changes.

EFFECTIVE DATE: This act is effective when it becomes law.

NORTH CAROLINA BOARD of LICENSED PROFESSIONAL COUNSELORS

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Greensboro, NC 27417
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http://www.ncblpc.org

April 1, 2015

Senator Chad Barefoot
Co-Chairman Senator Dan Soucek and Co-Chairman Senator Jerry W. Tillman
Senate Committee on Education/Higher Education
North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

Dear Senators Barefoot, Soucek and Tillman and the Senate Committee on Education/Higher Education:

I am the Chairperson of the North Carolina Board of Licensed Professional Counselors (hereinafter "the Board") and I write on behalf of the Board. The Board has recently learned that Senate Bill 279 has been filed, which would amend the Licensed Professional Counselors Act to modify the educational qualifications for the practice of counseling.

The Board strongly opposes Senate Bill 279 because it would considerably lower the standards for licensure in North Carolina and is a potential threat to the public of North Carolina.

The North Carolina Board of Licensed Professional Counselors was created by the General Assembly to protect the public health, safety and welfare. (N.C. Gen. Stat § 90-329). The Board also ensures that its licensees are qualified individuals that meet the statutory and regulatory requirements for licensure in order to protect the public of North Carolina.

Currently, in order to be licensed as a Licensed Professional Counselor in North Carolina, an individual must receive a master's degree from a regionally accredited institution of higher education. (N.C. Gen. Stat. § 90-336). Senate Bill 279 modifies the licensure requirements to allow for a master's degree from a nationally accredited institution. This would considerably lower the standards for licensure as a Licensed Professional Counselor in North Carolina.

High educational standards are so important for Licensed Professional Counselors because of the vulnerable population we work with as mental health professionals. Without regional accreditation, Licensed Professional Counselors are precluded from providing counseling to members of the military and their families, a population that relies on counseling services.

Under the current law, regional accreditation is required for licensure. In the counseling profession all states require that counseling graduate programs be accredited, either by a counseling-specific accrediting organization or by a regional graduate education accrediting body.[1] The two counseling-specific accrediting organizations are the Council for Accreditation

[1] ACA *Licensure Requirements for Professional Counselors – 2014*

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of Counseling and Related Educational Programs (CACREP) or the Council on Rehabilitation Education (CORE). CACREP and CORE are programmatic accrediting bodies, which both require the programs' parent institution be regionally accredited.

For decades, regional accreditation has been acknowledged as the reliable authority on academic quality by the federal government, all states, and foundations that support higher education. Regional accrediting agencies are recognized by the U.S. Secretary of Education as reliable authorities concerning the quality of education or training offered by the institutions of higher education they accredit. There are six regional accrediting organizations that each evaluate the institutions of higher education within their regions to ensure that they meet broadly accepted higher education standards of quality. The regional accrediting agencies ensure that each post-secondary institution of higher education meets the eligibility requirements through intensive self-study and peer evaluation.

National accrediting agencies only accredit single purpose institutions. As a result, depending on the purpose of the institution, a different organization will review it. It is not a consistent way to measure a school's educational standards because there are various organizations that nationally accredit relying on differing standards. In general, national accreditation is a less stringent standard.

More importantly, all mental health professionals that are licensed in North Carolina are required to graduate from a regionally accredited institution of higher education in order to be licensed in North Carolina. This includes: licensed/certified social workers; psychologists; marriage and family therapists; licensed clinical addiction specialists; and licensed fee-based pastoral counselors. As a result, the standards for Licensed Professional Counselors would be significantly lower than any other mental health professional in North Carolina. This does not serve to protect the public.

We hope you will consider the Board's position and its mission to protect the public of North Carolina.

Thank you for offering the Board the opportunity to respond to this issue. Please feel free to contact Katrina Brent, Board Administrator, if you have any additional questions.

Thank you for your consideration of the Board's position about this matter.

Sincerely,

Katherine H. Glenn, PhD, LPCS

Katherine H. Glenn, Ph.D., LPCS
Board Chairperson

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

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NCBLPC Position on Senate Bill 279 - Amend Qualifications/Practice of Counseling

Background:

On March 12, 2015 Senate Bill 279 was filed to amend the Professional Counselors Act to modify the educational qualifications for the practice of counseling. If passed the Bill would rewrite G.S. 90-336(b) to change any current degree requirement for regional accreditation to read "a master's degree in counseling or a related field from a regionally or nationally accredited institution of higher education".

Impact:

If passed this Bill would:

- Be a threat to the protection of the public, which is the Board's main purpose, as there is no common standard of institutional education.
- Cause the educational standard to be lowered for NC Licensed Professional Counselors. Although, some national accreditations may argue that they are comparable, the vague use of "nationally accredited" cannot assure the quality of one's education from all nationally accredited institutions.

Comparison:

Regional Accreditation	National Accreditation
•The institution is evaluated by the regional agency that presides over its home state. •Currently, there are only 6 bodies that can award regional accreditation. Although they are different agencies, they have similar principle underlying eligibility requirements and levels of expectation. •All accreditating bodies are recognized by the U.S. Department of Education and the Council for Higher Education Accreditation (CHEA). •Regional accreditors review entire institutions, 100% of which are degree-granting. •Regional accreditation, for decades, has been formally or legally acknowledged as a reliable authority on academic quality by the federal government, all states, foundations that support higher education and corporations that support the education of employees.	•Not based on geography, but was designed to evaluate specific types of schools and colleges. •Nationally accredited institutions are only compared against similarly designed institutions. •Accreditation may be institution or program specific, depending on the organization. •Different standards and categories are measured, depending on the type of school/program and the organization. •Nationally accredited institutions will usually accept credit from regionally or nationally accredited institutions. However, credits from nationally accredited institutions are not widely transferrable. •Generally national accreditors have less stringent standards.

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NC Health Professionals Education Requirements:

License	Requires Regional Accreditation ONLY (does not accept national accreditation)
Fee-Based Practicing Pastoral Counselors	YES
Marriage and Family Therapists	YES
Psychologists	YES
Certifies Master Social Worker and Licensed Clinical Social Workers	YES
Licensed Clinical Addictions Specialists	YES
Chiropractors	YES
Dietetics / Nutritionists	YES
Nurses	YES

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Katherine Glenn	NC Board of Licensed Professional Counselors
Harry Rhyne	NLC
Earl Stilwell	NCSBE
David Collins	SEANC

VISITOR REGISTRATION SHEET

4-1-15

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Shuford	Licensed Professional Counselors of NC 612 Thistlegate Trail, Raleigh 27610
Ashley Perkinson	Perkinson Law
Austin Pruitt	Perkinson Law
Margaret Schneider	Senate Intern
Chris Agan	DOJ
Henry Hutton	N.C.B.A.
Gene Ainsworth	A & A
Evelyn Hawthorne	ETHOR
John Peterson	CARSTAT
[illegible]	CCS
Tim Lucas	NC Rate Bureau

VISITOR REGISTRATION SHEET

Name of Committee | Date

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Cassandra Skinner	NCACC
SARAH JACOBSON	NCAH
Morgan Whitman Gramann	NCAH
Kelsey Votteler	American Heart Assn
Chris Greene	High Point, NC 27262
Jeff Warren	NCCA, Wake Forest, NC 27587
David S. King	NC Board of Licensed Professional Counselors
DENNAVO ROBINSON	" " " "
Gwen K. Newsome	" " " "
Katrina Brent	" " " "
Sonda C Parvin	NCAHy Generals office on behalf of the NC Board of Licensed Professional Counselors

VISITOR REGISTRATION SHEET

4-1-15

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Vitaglione	NC CHILD
Ted Brown	Brown Assoc.
Cady Thomas	Focus Carolina
Alexis Tameron	ATS
Wendy Kelly	Focus Carolina
Sue Richards	
Sonny Richards	
Christie Lynch Ebert	NCDPI
Cynthia Floyd	NCDPI
Fred Schmidt	NCDMV
Tom West	NCICU
Derek Graham	DPI

VISITOR REGISTRATION SHEET

4-1-15

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cheryl Posner-Cahill	NC School Psych Assoc
Leanne Lyon	NCSBA
Susan Hamm	NCSSWA
KENNETH PHELPS.	SCHOOL PLANNING SECTION NC DPI
Ben Matthews	NCDPI
Sherée Vadicka	NC Alliance of YMCAs
Butch Gunnells	NC Bev
Adam Pridemore	NCASA
Douglas Holbrook	NCSBA
dindohnson	BSA
JOEL MAYNARD	BLUE CROSS

VISITOR REGISTRATION SHEET

4-1-15

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steven Walker	LT Gov

Senate Committee on Education/Higher Education
Wednesday, April 15, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 333	Teacher Transition Data.	Senator Soucek
SB 343	Student Assault on Teacher/Felony Offense.	Senator Tillman
SB 401	Pilot/Sports for Students w/ Disabilities.	Senator Barringer Senator Tillman Senator Woodard
SB 480	Uniform Political Activity/Employees.	Senator Wells Senator Brock Senator Wade

Adjournment

Senate Committee on Education/Higher Education
Wednesday, April 15, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on April 15, 2015 in Room 544 of the Legislative Office Building. 21 members were present.

Senator Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

With the proposed committee substitute before the committee, Chairman Tillman recognized Senator Soucek to explain SB **333 Teacher Attrition Data.** Following questions from the committee members, Senator Curtis moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed.

Chairman Tillman reminded the members of the committee that they have been charged with selecting two new members of the State Board of Community Colleges. The four nominees before the committee: Dr. J. Breeden Blackwell, nominated by Sen. Meredith; Mr. Terry R. Garner, nominated by Sen. McInnis; Dr. Peter Kunkle, nominated by Sen. Krawiec; and Mr. Clark S. Twiddy, nominated by Sen. Cook. Motions from the committee to accept the four nominations were made and all motions were favorable. The names will be put forth to the Senate during session on April 16th for the election.

Chairman Tillman temporarily relinquished his chair position to Sen. Soucek.

With the proposed committee substitute before the committee, Chairman Soucek recognized Senator Tillman to explain **SB 343 Student Assault on Teacher/Felony Offense.** Following questions from the committee members, Senator Cook moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed. SB 343 was referred to Judiciary II.

SB 401 Pilot/Sports for Students w/ Disabilities (Senators Barringer, Tillman, Woodard) and **SB 480 Uniform Political Activity/Employees (Senators Wells, Brock, Wade)** were deferred to the following week.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 12:00 pm.

Senator Jerry W. Tillman, Chair

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, April 15, 2015

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **333** Teacher Attrition Data.

Draft Number:	S333-PCS35261-TW-9
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

SB **343** Student Assault On Teacher/Felony Offense.

Draft Number:	S343-PCS25228-RQ-6
Sequential Referral:	Judiciary II
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Daniel Soucek will handle SB 333
Senator Jerry Tillman will handle SB 343

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 333

Short Title:	Teacher Attrition Data.	(Public)
Sponsors:	Senators Soucek (Primary Sponsor); Hise, McInnis, and Smith-Ingram.	
Referred to:	Rules and Operations of the Senate.	

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE STATE BOARD OF EDUCATION INCLUDE SPECIFIC DATA IN ITS ANNUAL REPORT ON THE TEACHING PROFESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(22) reads as rewritten:

"(22) Duty to Monitor the ~~Decisions of Teachers to Leave the Teaching Profession.~~State of the Teaching Profession in North Carolina. – The State Board of Education shall monitor and compile an annual report on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession. The annual report shall include data on the number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession, the number of teachers who left to teach in other states, the number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools, and the number of teachers who left a classroom position for another type of educational position. The State Board shall adopt standard procedures for each local board of education to use in requesting the information from teachers who are not continuing to work as teachers in the local school administrative unit and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 333
PROPOSED COMMITTEE SUBSTITUTE S333-CSTW-9 [v.3]

4/13/2015 2:41:09 PM

Short Title: Teacher Attrition Data. (Public)

Sponsors:

Referred to:

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE STATE BOARD OF EDUCATION INCLUDE SPECIFIC DATA IN ITS ANNUAL REPORT ON THE TEACHING PROFESSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(22) reads as rewritten:

"(22) Duty to Monitor the ~~Decisions of Teachers to Leave the Teaching Profession.~~State of the Teaching Profession in North Carolina. – The State Board of Education shall monitor and compile an annual report on the state of the teaching profession in North Carolina that includes data on the decisions of teachers to leave the teaching profession. The State Board shall adopt standard procedures for each local board of education to use in requesting the information from teachers who are not continuing to work as teachers in the local school administrative unit and shall require each local board of education to report the information to the State Board in a standard format adopted by the State Board. The annual report shall include data on the following:

a. The number of teachers who left the profession without remaining in the field of education and the reasons for teachers leaving the profession.

b. The number of teachers who left their employment to teach in other states.

c. The number of teachers who left their employment to work in another school in North Carolina, including nonpublic schools and charter schools.

d. The number of teachers who left a classroom position for another type of educational position.

e. The number of hard to staff schools within each local school administrative unit.

f. The number of hard to staff teaching and subject areas positions resulting in long term vacancies within each local school administrative unit."

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

SENATE BILL 333:
Teacher Attrition Data

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 15, 2015
Introduced by:	Sen. Soucek	**Prepared by:**	James Ritter
Analysis of:	PCS to First Edition S333-CSTW-9		Legislative Analyst

SUMMARY: ***Senate Bill 333 would require the State Board of Education (SBE) to include specific data in its annual report on the teaching profession.***

The Proposed Committee Substitute (PCS) for Senate Bill 333 would also require annual SBE data reporting on the teaching profession to include (i) the number of hard to staff schools in each local school administrative unit and (ii) the number of hard to staff teaching and subject area positions that result in long term vacancies in each local school administrative unit.

CURRENT LAW: G.S. 115C-12(22) requires the SBE to monitor and compile an annual report on why teachers leave the teaching profession. The SBE is required to adopt standard procedures for each local board of education to use in requesting the information from teachers who do not wish to continue to work as teachers in the local school administrative unit (LEA). Each local board of education must report the specific teacher turnover data in a standard format adopted by the SBE.

BILL ANALYSIS: The PCS for Senate Bill 333 would require the annual SBE report on the teaching profession to include:

- Data on the number of teachers who left the profession without remaining in the field of education and the reasons why the teachers are not remaining in the profession.
- The number of teachers who left the teaching profession to teach in other states.
- The number of teachers who left their employment to work in another school in North Carolina, including nonpublic and charter schools.
- The number of teachers who left a classroom position for another type of educational position.
- The number of hard to staff schools within each LEA.
- The number of hard to staff teaching and subject areas positions resulting in long term vacancies within each LEA.

EFFECTIVE DATE: The act is effective when it becomes law.

BACKGROUND: Each LEA reports teacher turnover data for the North Carolina School Report Card. This data is calculated based on a snapshot of employment in the LEA as reflected in the North Carolina Department of Public Instruction licensure/salary database. The snapshot shows teachers who were employed in March of the previous year, but not employed in the same LEA in March of the current year.

Each personnel administrator in each LEA is provided a list of teachers by the SBE within the March date range and they are asked to provide summative data on why teachers from their LEA have left teaching. The information on the turnover rate is self-reported during exit interviews, surveys, and/or factual information from the LEAs personnel database.

SENATE EDUCATION/HIGHER EDUCATION COMMITTEE
2015-2016

April 15, 2015

MEMORANDUM

TO: Members of the Senate

FROM: Senator Dan Soucek and Senator Jerry Tillman, Co-Chairs, Senate Education/Higher Education

RE: Report of Senate Education/Higher Education on the State Board of Community Colleges Election

Pursuant to G.S. 115D-2.1(b)(4)f., the Senate Education/Higher Education Committee met on April 15, 2015, the majority of members being present, and submits the following nominees, in alphabetical order, to be considered by the Senate for election to the State Board of Community Colleges for membership to a six-year term, beginning July 1, 2015.

Dr. J. Breeden Blackwell
Terry R. Garner
Dr. Peter Kunkle
Clark S. Twiddy

No additional nominees shall be received from the floor. The above nominees are legally qualified to serve and are willing to serve if elected.

Senator Dan Soucek and Senator Jerry Tillman, Co-Chairs, Senate Education/Higher Education Committee

NORTH CAROLINA GENERAL ASSEMBLY
Legislative Services Office

Beverly Adams, Interim Legislative Services Officer

Research Division
300 N. Salisbury Street, Suite 545
Raleigh, NC 27603-5925
Tel. 919-733-2578 Fax 919-715-5460

O. Walker Reagan
Director

To: Senator Dan Soucek and Senator Jerry Tillman, Co-Chairs, Senate Education/Higher Education

From: Denise Adams, Legislative Analyst

Date: April 14, 2015

Re: Legal Qualifications of the Candidates for Nomination to the State Board of Community Colleges

---

The following four names are before the Senate Education Committee as nominees for the State Board of Community Colleges. I have reviewed their applications and indicated where the nominees have any statutory disabilities. My opinion as to each of the nominee's statutory disabilities is based solely upon the information provided in the nominee's application. The nominees have certified that the information provided in the application is accurate.

Nominee	**Sponsor**	**SEI Submitted**	**CV Submitted**	**Statutory Disability**
Dr. J. Breeden Blackwell	Sen. Meredith	Yes.	Yes.	Yes. Dr. Blackwell currently serves on the Board of Trustees for Fayetteville Tech. Dr. Blackwell has indicated he would resign from that board if he were elected to the SBCC.
Terry R. Garner	Sen. McInnis	Yes.	Yes.	None.
Dr. Peter Kunkle	Sen. Krawiec	Yes.	Yes.	None.
Clark S. Twiddy	Sen. Cook	Yes.	Yes.	Possibly. Mr. Twiddy lists the Roanoke Island Commission on his nomination form, which may be a State Office because the Commission is authorized to adopt rules. However, Mr. Twiddy has indicated he would resign from any position that would conflict with the SBCC.

SENATE
STATE BOARD OF COMMUNITY COLLEGES
2015 NOMINATION FORM

1. SENATOR WESLEY A. MEREDITH (Sponsor's Name) proposes DR. J. BREEDEN BLACKWELL (Name of Nominee) as a nominee for election to the State Board of Community Colleges for a six-year term.

2. Nominee's Name: DR J. BREEDEN BLACKWELL

Occupation: DIRECTOR OF GOVERNMENT RELATIONS/CAPE FEAR VALLEY HEALTH SYSTEM

Address: 1201 HAYMOUNT COURT, FAYETTEVILLE, NC, 28305

Home Telephone: 910-633-1470

Work Telephone: 910-615-5130

E-mail Address: bblackwell@capefearvalley.com

3. List (if any) all State or local offices, either elected or appointed, which the nominee currently holds:

* FAYETTEVILLE/CUMBERLAND COUNTY CHAMBER OF COMMERCE BOARD OF DIRECTORS
* FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES
* SOUTHERN REGIONAL AREA HEALTH EDUCATION CENTER BOARD MEMBER

4. List (if any) all State or local offices, either elected or appointed, which the nominee's spouse currently holds: NONE

5. Is the nominee or the nominee's spouse an officer or employee of an institution under the jurisdiction of the State Board of Community Colleges? NO

6. Is the nominee or the nominee's spouse an employee of the State of North Carolina?

NO

7. Has the nominee been an employee of the Department of Community Colleges at any time during the last five years? NO

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

3-30-15 @ 4:40 p.m.

8. If elected, will the nominee serve? YES

9. If elected, will the nominee and the nominee's spouse resign from any elected or appointed positions which conflict with service on the State Board of Community Colleges? (Generally, local positions do not need to be resigned.) YES. UPON HIS ELECTION MR. BLACKWELL WILL RESIGN FROM THE FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES.

10. Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense? NO

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

11. Is the nominee current on all federal, State, and local taxes? YES

/ A. Mumford 3-30-15
Signature of Sponsor/Date

The above information is accurate, and I will serve if elected. I understand that G.S. 115D-2.1(d) provides that "No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No spouse of a member of the General Assembly or of an officer or employee of the Community College System or of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board."

I have attached a current vitae.

Jesse Braxton Blackwell 3-30-15
Signature of Nominee/Date

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

DR. J. BREEDEN BLACKWELL
1201 HAYMOUNT COURT
FAYETTEVILLE, NC 28305
(910) 633-1470
bblackwell@capefearvalley.com

BIRTHDATE

September 20, 1946
Bennettsville, SC

EDUCATION

Nova Southeastern University	Ed.D Educational Administration	1984
East Carolina University	Ed.S Education Specialist	1974
East Tennessee State University	MA History	1972
Pembroke State University	BA History	1968
Camden Military Academy	High School Diploma	1964

EXPERIENCE

Cape Fear Valley Health System	Director of Government Relations	2010 – Present
Cumberland County School System	Principal, Assistant Principal, Teacher	1968-1998

PUBLIC SERVICE

Fayetteville/Cumberland County Chamber of Commerce Board of Directors	2010 - Present
Fayetteville Technical Community College Board of Trustees	2010 - Present
Southern Regional Area Health Education Center Board Member	2010 - Present
Cumberland County Library Board	2002 - 2010
Cumberland County Board of Commissioners	1998 – 2010
Chairman (2002, 2007)	
Vice Chairman (2001, 2007	
Member, Cape Fear Valley Health System Board of Trustees	1998 – 2010
Airborne & Special Operations Museum Board Member	2009
Alcohol Beverage Control Board	2009
Fayetteville Care Convention & Visitors Bureau	2009
UNC Pembroke – Chancellor's Search Committee Member	2009
UNC Pembroke – Board of Trustees	2000 – 2008
Chairmain (2007 – 2008)	
Public Education Committee	2007
NC Association of County Commissioners	2002 – 2005
President (2004 – 2005)	
1st Vice President (2003)	
2nd Vice President (2002)	
Mayor Pro-Tem, Fayetteville City Council	1992 – 1997

CHURCH

Highland Presbyterian Church, Fayetteville, NC – Ruling Elder

HONORS

Distinguished Service Award – Camden Military Academy
Order of the Long Leaf Pine
NC Assoc. of County Commissioners – Outstanding County Commissioner
Leadership Fayetteville – Leader of the Year
Who's Who in American Colleges & Universities
Outstanding Young Man of America
UNC Pembroke – Alumnus of the Year
Principal of the Year
Assistant Principal of the Year
Wachovia Principal of the Year
Town of Spring Lake – Citizen of the Year
NC Assoc. of County Commisioners & Mid-Carolina Council of Governments – M.H. "Jack" Brock Award
Fayetteville/Cumberland County Chamber of Commerce – Chairman's Award for Outstanding Public Service

SENATE
STATE BOARD OF COMMUNITY COLLEGES
2015 NOMINATION FORM

1. Thomas M. McInnis (Sponsor's Name) proposes
Terry R. Garner (Name of Nominee) as a nominee for election to the State Board of Community Colleges for a six-year term.

2. Nominee's Name: Terry R. Garner

Occupation: Attorney (Retired); Self-Employed Mediation Practice

Address: PO Box 563, Laurinburg, NC 28353

Home Telephone: (910) 276-6804

Work Telephone: (910) 280-1561

E-mail Address: tgarner@mosergarnerbruner.com

3. List (if any) all State or local offices, either elected or appointed, which the nominee currently holds:

None

List (if any) all State or local offices, either elected or appointed, which the nominee's spouse currently holds:

None

5. Is the nominee or the nominee's spouse an officer or employee of an institution under the jurisdiction of the State Board of Community Colleges?

No

6. Is the nominee or the nominee's spouse an employee of the State of North Carolina?

No

7. Has the nominee been an employee of the Department of Community Colleges at any time during the last five years?

No

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

4:35 p.m
3.30.15
SMF

8. If elected, will the nominee serve?

Yes

9. If elected, will the nominee and the nominee's spouse resign from any elected or appointed positions which conflict with service on the State Board of Community Colleges? (Generally, local positions do not need to be resigned.)

Yes

10. Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense? No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

11. Is the nominee current on all federal, State, and local taxes?

Yes

3/30/15
Signature of Sponsor/Date

The above information is accurate, and I will serve if elected. I understand that G.S. 115D-2.1(d) provides that "No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No spouse of a member of the General Assembly or of an officer or employee of the Community College System or of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board."

I have attached a current vitae.

3/30/15
Signature of Nominee/Date

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

TERRY R. GARNER
VITAE

Name, Address and Date of Birth:

Name:	Terry R. Garner
Address:	Post Office Box 563, Laurinburg, NC 28353
Date of Birth:	3/21/47

Marital Status: Married to Marilyn S. Garner for 38 years
Two adult children, a daughter living in Holly Springs, NC and a son living in Holden Beach, NC

Education: B.S., UNC-Chapel Hill, 1969
Juris Doctor, UNC-Chapel Hill, 1972

Employment History: August, 1972 – August, 1974: Law Clerk for the Honorable Algernon L. Butler, Chief District Court Judge for the Eastern District of North Carolina

August, 1974 – January 1, 2014: Attorney with Moser, Garner and Bruner, P.A. in Laurinburg, NC (now retired)

January 1, 2014 – Present: Self-employed in mediation practice

Military Service: 1969 – 1979: U.S. Air Force Reserve. Honorably discharged with rank of Captain.

Civic Activities:
Laurinburg Rotary Club
Scotland Arts Council
Scotland Memorial Hospital: Trustee, Finance Committee; and Executive Committee
St. Andrews Presbyterian College Local Campaign Chairman
Scotland County Commissioner 1990 – 1994
Served as Attorney for Laurinburg-Maxton Airport Commission for 29 years
Chairman, Scotland County Strategic Planning Committee

Church: Laurinburg Presbyterian Church: Sunday School Teacher; Deacon; and Elder

SENATE
STATE BOARD OF COMMUNITY COLLEGES
2015 NOMINATION FORM

1. Sen. Krawiec (Sponsor's Name) proposes
DR. PETER L. KUNKLE (Name of Nominee) as a nominee for election to the State Board of Community Colleges for a six-year term.

2. Nominee's Name: DR. PETER L. KUNKLE

Occupation: SENIOR MINISTER

Address: 1409 OAK RIDGE Road. KERNERSVILLE, NC 27284

Home Telephone: 336-644-0995

Work Telephone: 336-996-7388

E-mail Address: PETE K@FCCMINISTRIES.COM

3. List (if any) all State or local offices, either elected or appointed, which the nominee currently holds:
N/A

4. List (if any) all State or local offices, either elected or appointed, which the nominee's spouse currently holds: N/A

5. Is the nominee or the nominee's spouse an officer or employee of an institution under the jurisdiction of the State Board of Community Colleges? NO

6. Is the nominee or the nominee's spouse an employee of the State of North Carolina? NO

7. Has the nominee been an employee of the Department of Community Colleges at any time during the last five years? NO

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

3.30.15 4:40 pm

8. If elected, will the nominee serve? yes

9. If elected, will the nominee and the nominee's spouse resign from any elected or appointed positions which conflict with service on the State Board of Community Colleges? (Generally, local positions do not need to be resigned.) yes

10. Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense? NO

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

11. Is the nominee current on all federal, State, and local taxes? yes

Signature of Sponsor/Date 3/30/15

The above information is accurate, and I will serve if elected. I understand that G.S. 115D-2.1(d) provides that "No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No spouse of a member of the General Assembly or of an officer or employee of the Community College System or of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board."

I have attached a current vitae.

Signature of Nominee/Date 3/30/15

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

Dr. Peter L. Kunkle

1409 Oak Ridge Road
Kernersville, NC 27284
(336) 644-0995 – home (336) 996-7388 – work
petek@fccministries.com

OBJECTIVE:

To present Christ in a caring, creative, contemporary and Biblical way in an environment where all people from the community can grow to their full potential in Christ.

EXPERIENCE:

1987 to Present	**First Christian Church Ministries** Senior Minister	**Kernersville, NC**
1982 to 1987	**Kernersville Church of Christ** Senior Minister	**Kernersville, NC**
1979 to 1982	**Berry Christian Church** Senior Minister	**Berry, KY**

EDUCATION:

2005 to 2008	**Londen Institute** Doctorate	**Corona, CA**
1992 to 1994	**Kentucky Christian College** M.M. Degree	**Grayson, KY**
1975 to 1979	**Kentucky Christian College** B.S. Degree	**Grayson, KY**
1971 to 1975	**McKinley High School** H.S. Diploma	**Sebring, Ohio**

EXPERTISE AND ACHIEVEMENTS:

- Revivals and workshops 1982 – Present
  Church Growth, Leadership, Evangelism and Shepherding

- Mission work, food distribution and medical assistance in the following areas:

Argentina	Ethiopia	Philippines
Brazil/Amazon	Haiti	Russia
Burma	Honduras	South Africa
Cambodia	India	Thailand
Canada	Israel	Ukraine
China	Japan	Vietnam
Dominican Republic	Kenya, Africa	Zimbabwe, Africa
Ecuador	Mexico	
England	Nairobi, Africa	

EXPERTISE AND ACHIEVEMENTS Cont'd:

- Active support of Hurricane Katrina and Sandy victims
- Board of Directors, Kentucky Christian College, 1997 – 2009
- Active with Mayor's Council in Kernersville, NC, 1996 – Present
- Chairman of the Board, H.A.S.T.E.N. International, 1989 – 2010
- President of the Board, H.A.S.T.E.N. International, 2010 – current
- Chairman of the Board, Next Step Ministries, 1997 – 2003
- Next Step Ministries Board 1997 – 2003, 2014 - current
- Chairman Development and Betterment of Community 20/20 City of Kernersville, 2004 – present
- President, North Carolina Christian Convention, 1992
- President, Piedmont District Christian Ministers Association, 1985 & 1992
- Board of Trustees, MidAtlantic Christian University, 2010 – 2014
- Continuation Committee, North American Christian Convention 2009 - present

DISTINCTIONS:

- Oxford Round Table 2005
- Kernersville Chamber of Commerce Citizen of the Year 2005
- Businessman of the Year 2004
- National Register Who's Who Executives and Professionals 2003-2004
- Who's Who Year 2003 Professional Businessmen
- Member of Rotary International 2002 – Present
- Who's Who Year 2000 Professional Businessmen & Administrators
- Distinguished Alumni Award Kentucky Christian College, 2001
- Planted First Christian Church of Kernersville in 1987
- Most Outstanding Young Man in America Award, 1986

PERSONAL:

Married to wife, Kathy, for 36 years
Daughter, Heidi, 29 years old
Hobbies include: animals, fishing, football and motorcycles
Head Soccer Coach, 1992 – 1999

REFERENCES AVAILABLE UPON REQUEST

SENATE
STATE BOARD OF COMMUNITY COLLEGES
2015 NOMINATION FORM

1. Bill Cook (Sponsor's Name) proposes
Clark S. Twiddy (Name of Nominee) as a nominee for election to the State Board of Community Colleges for a six-year term.

2. Nominee's Name: Clark S. Twiddy

Occupation: Operations Manager at Twiddy & Company

Address: 217 Colington Ridge Road, Kill Devil Hills, NC 27948

Home Telephone: (252) 216-6920

Work Telephone: (252) 457-1100

E-mail Address: ctwiddy@twiddy.com

3. List (if any) all State or local offices, either elected or appointed, which the nominee currently holds:
Appointed to the Roanoke Island Commission

4. List (if any) all State or local offices, either elected or appointed, which the nominee's spouse currently holds: N/A

5. Is the nominee or the nominee's spouse an officer or employee of an institution under the jurisdiction of the State Board of Community Colleges? N/A

6. Is the nominee or the nominee's spouse an employee of the State of North Carolina? N/A

7. Has the nominee been an employee of the Department of Community Colleges at any time during the last five years? N/A

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

3/31/15
12:53PM

8 If elected, will the nominee serve? Yes

9. If elected, will the nominee and the nominee's spouse resign from any elected or appointed positions which conflict with service on the State Board of Community Colleges? (Generally, local positions do not need to be resigned.) Yes

10. Has the nominee ever been arrested, given a written warning, taken into custody, or accused, formally or informally, of the violation of a law for any offense? No

If yes, list every incident including the date, place, charges, and final disposition. Attach additional sheets if necessary.

11. Is the nominee current on all federal, State, and local taxes? Yes

Bill Cook / 03-30-15

Signature of Sponsor/Date

The above information is accurate, and I will serve if elected. I understand that G.S. 115D-2.1(d) provides that "No member of the General Assembly, no officer or employee of the State, and no officer or employee of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No spouse of a member of the General Assembly or of an officer or employee of the Community College System or of an institution under the jurisdiction of the State Board shall be eligible to serve on the State Board. No person who within the prior five years has been an employee of the Community Colleges System Office shall be eligible to serve on the State Board."

I have attached a current vitae.

Clark Twiddy / 03-30-15

Signature of Nominee/Date

Nomination forms must be received by the Senate Principal Clerk's Office by 5:00 pm on March 30, 2015.
Statements of Economic Interest must be received by the State Ethics Commission by 5:00 p.m. on March 30, 2015.

Clark S. Twiddy

217 Colington Ridge
Kill Devil Hills, NC 27948

Email: ctwiddy@twiddy.com
Work: (252) 457-1174

Purpose

I would like to submit this short resume and biography should there be an opening to serve on the State Board of Community Colleges.

- Born in Virginia Beach, Clark Twiddy grew up on the Outer Banks and calls it home to this day. After a decade of service overseas in the US Navy, he returned home in 2009 to work in his family business on the Northern Outer Banks. He credits any success at Twiddy & Company to the wonderful people who work alongside him. He remains active in the community and is passionate about North Carolina's history and our veteran community.

- Married to the former Anna Picken of McKinney Texas, they reside in Kill Devil Hills with their two dogs and love nothing more than spending time on the water.

Work Experience

Director of Operations/Principal; Twiddy & Company, 2009-Present

- Operations director for hospitality and property management firm in Duck, North Carolina.

US Naval Intelligence Officer; 1998-2009

- Worldwide assignments including Japan, Korea, and Bahrain; OIF/OEF veteran.

Education

Executive Development Institute, UNC, 2012
Bush School of Government & Public Service, Texas A&M University; 2008
BA in History with Distinction; VMI 1998

Community Involvement

Chairman, Friends of the Outer Banks History Center at Festival Park
Director, TowneBank
Director, Preservation North Carolina
Commander, Outer Banks Post of the Veterans of Foreign Wars
Board Member, Roanoke Island Commission

North Carolina General Assembly
Senate Chamber
State Legislative Office Building
Raleigh, NC 27603-5925

SENATOR BILL COOK
1ST DISTRICT—BEAUFORT, CAMDEN, CURRITUCK, DARE, GATES, HYDE, PASQUOTANK & PERQUIMANS

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COMMITTEES:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES—CO-CHAIRMAN
APPROPRIATIONS ON NATURAL & ECONOMIC RESOURCES—CO-CHAIRMAN
COMMERCE
EDUCATION/HIGHER EDUCATION
FINANCE
JUDICIARY II
PROGRAM EVALUATION

April 10, 2015

Senator Phil Berger, Ex-Officio Member
Senate Education/Higher Education Committee
16 W. Jones Street, Room 2007
Raleigh, NC 27601-2808

Dear Senator Berger:

I am writing this letter asking for you to consider Clark S. Twiddy as an applicant to sever on the State Board of Community Colleges. Mr. Twiddy is currently managing his family-owned business, Twiddy & Company in Duck N.C. The company manages over 1,000 vacation rentals and employs well over 500 people during the summer months.

Mr. Twiddy severed our country for eleven years as a United States Naval Intelligence Officer, and he attended the Virginia Military Institute, where he earned a Bachelor of Arts in History. In addition, Mr. Twiddy has completed the Executive Development Institute program at UNC-Chapel Hill and the Bush School of Government on Public Service program at Texas A&M University. He currently serves on the following boards and commissions: Preservation of North Carolina, current chairman of The Friends of the Outer Banks History Center, TowneBank Board of Directors, Roanoke Island Commission, and commander for the Outer Banks Post of the Veterans of Foreign Wars.

His experience in the military, business, and nonprofit arenas has given him the ability to maintain and improve operations. He has a proven track record of success. I hope you will consider Clark S. Twiddy as a leading candidate for the next vacancy on the State Board of Community Colleges.

Sincerely,

Bill Cook

Bill Cook
N.C. Senate - District 1

Clark S. Twiddy

217 Colington Ridge
Kill Devil Hills, NC 27948

Email: ctwiddy@twiddy.com
Work: (252) 457-1174

Purpose

I would like to submit this short resume and biography should there be an opening to serve on the State Board of Community Colleges.

- Born in Virginia Beach, Clark Twiddy grew up on the Outer Banks and calls it home to this day. After a decade of service overseas in the US Navy, he returned home in 2009 to work in his family business on the Northern Outer Banks. He credits any success at Twiddy & Company to the wonderful people who work alongside him. He remains active in the community and is passionate about North Carolina's history and our veteran community.

- Married to the former Anna Picken of McKinney Texas, they reside in Kill Devil Hills with their two dogs and love nothing more than spending time on the water.

Work Experience

Director of Operations/Principal; Twiddy & Company, 2009-Present

- Operations director for hospitality and property management firm in Duck, North Carolina.

US Naval Intelligence Officer; 1998-2009

- Worldwide assignments including Japan, Korea, and Bahrain; OIF/OEF veteran.

Education

Executive Development Institute, UNC, 2012
Bush School of Government & Public Service, Texas A&M University; 2008
BA in History with Distinction; VMI 1998

Community Involvement

Chairman, Friends of the Outer Banks History Center at Festival Park
Director, TowneBank
Director, Preservation North Carolina
Commander, Outer Banks Post of the Veterans of Foreign Wars
Board Member, Roanoke Island Commission

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 343

Short Title:	Student Assault On Teacher/Felony Offense.	(Public)
Sponsors:	Senators Tillman (Primary Sponsor); Krawiec, McInnis, Pate, and Rabin.	
Referred to:	Rules and Operations of the Senate.	

March 23, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A FELONY OFFENSE FOR A STUDENT WHO IS SIXTEEN YEARS OF AGE OR OLDER TO ASSAULT A SCHOOL EMPLOYEE ON SCHOOL PROPERTY WHEN THE EMPLOYEE IS DISCHARGING OFFICIAL DUTIES OR THE ASSAULT IS COMMITTED AS A RESULT OF THE DISCHARGE OR ATTEMPT TO DISCHARGE THE INDIVIDUAL'S DUTIES AS A SCHOOL EMPLOYEE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-33.3. Student assault on a school employee.**

(a) Definitions. – The following definitions apply in this section:

(1) Duties. – All activities on school property.

(2) Employee. – Has the same meaning as G.S. 14-33(c)(6)b.1. and 2.

(3) School property. – Any school building, bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any primary or secondary school.

(4) Student. – A person enrolled in a public school, a charter school authorized under G.S. 115C-218.5, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.

(b) Offense. – Unless the conduct is covered under some other provision of law providing greater punishment, a student who assaults a school employee is guilty of a felony offense under this section if all of the following criteria are satisfied:

(1) The student is 16 years of age or older.

(2) The student assaults the school employee when the employee is discharging or attempting to discharge his or her duties as an employee, or the student assaults the school employee as a result of the discharge or attempt to discharge that individual's duties as a school employee.

(3) The assault occurs on school property.

(c) Penalty. – A student convicted of a first offense under this section is guilty of a Class I felony. A student convicted of a second or subsequent offense under this section is guilty of a Class G felony."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 343
PROPOSED COMMITTEE SUBSTITUTE S343-CSRQ-6 [v.1]

4/14/2015 5:28:53 PM

Short Title: Student Assault On Teacher/Felony Offense. (Public)

Sponsors:

Referred to:

March 23, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A FELONY OFFENSE FOR A STUDENT WHO IS SIXTEEN YEARS OF AGE OR OLDER WHO DOES NOT HAVE AN INDIVIDUALIZED EDUCATION PROGRAM OR SECTION 504 PLAN TO ASSAULT A SCHOOL EMPLOYEE ON SCHOOL PROPERTY WHEN THE EMPLOYEE IS DISCHARGING OFFICIAL DUTIES OR THE ASSAULT IS COMMITTED AS A RESULT OF THE DISCHARGE OR ATTEMPT TO DISCHARGE THE INDIVIDUAL'S DUTIES AS A SCHOOL EMPLOYEE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-33.3. Student assault on a school employee.**

(a) Definitions. – The following definitions apply in this section:

(1) Duties. – All activities on school property.

(2) Employee. - Has the same meaning as G.S. 14-33(c)(6)b.1. and 2.

(3) School property. – Any school building, bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any primary or secondary school.

(4) Student. – A person enrolled in a public school, a charter school authorized under G.S. 115C-218.5, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.

(b) Offense. – Unless the conduct is covered under some other provision of law providing greater punishment, a student who assaults a school employee is guilty of a felony offense under this section if all of the following criteria are satisfied:

(1) The student is 16 years of age or older and does not have: (i) an Individualized Education Program as defined in G.S. 115C-106.3 or (ii) a Section 504 Plan under 29 U.S.C. § 794 et. seq.

(2) The student assaults the school employee when the employee is discharging or attempting to discharge his or her duties as an employee, or the student assaults the school employee as a result of the discharge or attempt to discharge that individual's duties as a school employee.

(3) The assault occurs on school property.

(c) Penalty. – A student convicted of a first offense under this section is guilty of a Class I felony. A student convicted of a second or subsequent offense under this section is guilty of a Class G felony."

SECTION 2. This act becomes effective December 1, 2015, and applies to offenses committed on or after that date.

SENATE BILL 343:
Student Assault On Teacher/Felony Offense

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Judiciary II	**Date:**	April 15, 2015
Introduced by:	Sen. Tillman	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S343-CSRQ-6		

SUMMARY: Senate Bill 343 would create a felony offense if a student is 16 or older and assaults a school employee on school property while the employee is discharging official duties or the assault is committed as a result of the discharge or attempt of the discharge of official duties of the employee.

The Proposed Committee Substitute (PCS) would also require that the student not have an Individualized Education Program or Section 504 Plan.

CURRENT LAW: G.S. 14-33(c)(6) provides that a person is guilty of a Class A1 misdemeanor if the person:

- Commits an assault on a school employee or school volunteer when the employee or volunteer is discharging or attempting to discharge his or her duties as an employee or volunteer; or
- Commits an assault on a school employee or school volunteer as a result of the discharge or attempt to discharge that individual's duties as a school employee or school volunteer.

"Duties" include all activities on school property; all activities during a school authorized event wherever they occur or the accompanying of students to or from that authorized event; and all activities relating to the operation of school transportation.

"Employee" and "volunteer" include:

- Employees of local boards of education, charter schools, and nonpublic schools.
- Independent contractors or employees of an independent contractor of a local board of education, charter school, and nonpublic schools if the independent contractor carries out duties customarily performed by employees of the school.
- Adults who volunteer their services or presence at any school activity and are under the supervision of employees or independent contractors.

BILL ANALYSIS: The PCS for Senate Bill 343 would create a new felony offense when a student who is age 16 or older who does not have an Individualized Education Program or Section 504 Plan assaults a school employee on school property:

- While the employee is discharging or attempting to discharge his duties as school employee; or
- As a result of the discharge or attempt to discharge that individual's duties as a school employee.

A first offense under this crime would be a Class I felony and a second or subsequent offense would be a Class G felony.

Definitions under the new statute would be as follows:

- "Duties" -- All activities on school property.
- "Employee" – (i) Employees of local boards of education, charter schools, and nonpublic schools and (ii) independent contractors or employees of an independent contractor of a local board of education, charter school, and nonpublic schools if the independent contractor carries out duties customarily performed by employees of the school.
- "School Property" – Any school building, bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees or directors for the administration of any primary or secondary school.
- "Student" – A person enrolled in a traditional public school, charter school, or nonpublic school.

EFFECTIVE DATE: The bill would become effective December 1, 2015 and would apply to offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 401*

Short Title:	Pilot/Sports for Students w/ Disabilities.	(Public)
Sponsors:	Senators Barringer, Tillman, Woodard (Primary Sponsors); Barefoot, D. Davis, Hise, Lee, Rabin, Robinson, and Smith-Ingram.	
Referred to:	Rules and Operations of the Senate.	

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO USE FUNDS TO CONDUCT A PILOT PROGRAM ON INTEGRATED COMMUNITY-BASED ADAPTED SPORTS PROGRAMS FOR STUDENTS WITH DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Of the funds appropriated to the Department of Public Instruction or State Aid for Public Schools for the 2015-2017 fiscal biennium, the Department may use up to three hundred thousand dollars ($300,000) each fiscal year to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades kindergarten through 12. If the Department uses funds for this purpose, the pilot program shall be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the U.S. Department of Education, Office for Civil Rights, on January 25, 2013. The pilot program shall also include specific strategies to overcome barriers to the participation of students with disabilities in extracurricular athletics and incorporate a philosophy of personal empowerment for those students. The pilot program may be conducted in one or more local school administrative units and provide for collaboration with universities and community colleges and other community organizations to achieve the purposes of the program.

SECTION 2. This act becomes effective July 1, 2015.

SENATE BILL 480

Short Title:	Uniform Political Activity/Employees.	(Public)
Sponsors:	Senators Wells, Brock, Wade (Primary Sponsors); and Soucek.	
Referred to:	Rules and Operations of the Senate.	

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A UNIFORM STANDARD FOR EMPLOYEE POLITICAL ACTIVITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 22 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-335.15. Appropriate political activity of school employees; disciplinary action.**

(a) As an individual, each employee of a local board of education retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a local board of education shall:

(1) Actively participate in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he or she is expected to perform services for which the employee receives compensation from a local board of education.

(2) Use the authority of his or her position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a local board of education or employee of the local board of education exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the local board of education as an individual to engage in political activity while not on duty or at times during which he or she is not performing services for which the employee receives compensation from the local board. An employee who is or may be expected to perform his or her duties on a 24 hours per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a local board of education to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a local school administrative unit, including, but not limited to, the use of school issued electronic mail addresses and telephone lines."

SECTION 2. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.91. Appropriate political activity of charter school employees; disciplinary action.**

(a) As an individual, each employee of a charter school retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a charter school shall:

(1) Actively participate in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he or she is expected to perform services for which the employee receives compensation from a charter school.

(2) Use the authority of his or her position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a board of directors of a charter school or employee of the charter school exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the charter school as an individual to engage in political activity while not on duty or at times during which he or she is not performing services for which the employee receives compensation from the charter school. An employee who is or may be expected to perform his or her duties on a 24 hours per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a charter school to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a charter school, including, but not limited to, the use of school issued electronic mail addresses and telephone lines."

SECTION 3. Article 16 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-238.74. Appropriate political activity of school employees; disciplinary action.**

(a) As an individual, each employee of a regional school retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a regional school shall:

(1) Actively participate in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he or she is expected to perform services for which the employee receives compensation from a regional school.

(2) Use the authority of his or her position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party,

or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a board of directors of a regional school or employee of the regional school exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the regional school as an individual to engage in political activity while not on duty or at times during which he or she is not performing services for which the employee receives compensation from the regional school. An employee who is or may be expected to perform his or her duties on a 24 hours per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a regional school to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a regional school, including, but not limited to, the use of school issued electronic mail addresses and telephone lines."

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

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

4-15-15

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Leanne Winner	NCSBA
[illegible]	Ed Consultant
Rachel Bacha	NCDPI
Robert Tilley	Aim Higher for Education
Charlene Fields	Aim Higher Educ.
Alicia Smith-Freshwater	Delta Sigma Theta
Michelle Brooks	East Carolina University
Drew Nortz	UNC-GA
Katherine W. Joyce	NCASA
Annaliese Dolph	DL
Kara McLaurin	Bunch Banks
CLARK TWISDALE	Twisdale Company
R. Diane Brown	Delta Sigma Theta
Shelia Wilson	Delta Sigma Theta / CCS
Vivian R Melvin-Salas	Delta Sigma Theta / CCS Retired
FLINT BENSON	SEANC
Maggie Schneider	senate Intern

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

4-15-15

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Trish R. Johnson	Delta Sigma Theta
[signature]	Delta Sigma Theta
Lekisha Jordan	Governor's Office
Delores Lee	Delta Sigma Theta Sorority
Rebecca Murdock	NC Sentencing + Policy Adv. Comm
Angel Wright-Lanier	Delta Sigma Theta Sority, Inc.
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NICHOLE KARAM	NAMI NC
Kay Castillo	NASW-NC
Jane Wettach	Duke Law School
Corye Dunn	DRNC
JULIE KAWAL	BEST NC
DAN HINNANT	BRIDGE II SPORTS
Ashley Thomas	Bridge II Sports
[signature]	ISP
Carolyn S Snipes	Delta Sigma Theta Inc.
Annie Vass	Delta Sigma Theta, Inc.
Kathy McLeod Allen	Delta Sigma Theta

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

4-15-15

Date

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Jackson [illegible]	CCS
Emily [illegible] Hawthorne	EITOR
Jane Stilwell	NC State
John Peterson	Capstrat.
Nick Goetsch	OSBM
Susan Harrison	NCSCA
Sherry Thomas	NC DPI
Bill Hussey	NCDPI
Erik [illegible]	AP
Bill Rowe	NC Justice Ctr
Matt Ellinwood	NC Justice Center
Burt Jenkins	NCDPI
Ellen Essick	NCDPI
Cheryl Posner-Cahill	NC School Psych Assoc
Douglas Holbrook	NCSBA

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

4-15-15

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Gwen White	Delta Sigma Theta
Desiree Crawford	Delta Sigma Theta
Breeden Blackwell	Cape Fear Valley Med. Ctr
Mary Peeman	NCAE
Bruce Mildwurf	NCSBA
Adam Pridemore	NCASA
Deandrea Newsome	Delta Sigma Theta
erin gray	GOV'S OFFICE
Telia Virgin	Delta Sigma Theta
Barbara Mont	Delta Sigma Theta
Edna Humphrey	Delta Sigma Theta
Shirley Cohen	Delta Sigma Theta

09-21-201

Senate Committee on Education/Higher Education
Wednesday, April 22, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on April 22, 2015 in Room 544 of the Legislative Office Building. Twenty-two members were present.

Senator Dan Soucek, Chair, presided.

Chairman Soucek called the meeting to order and thanked the Sergeants-at-Arms and the pages. He announced the first bill to be heard, **SB 670 Term Limits for BOG Members. (Senator Apodaca)** Senator Robinson moved for adoption of the PCS for discussion and Senator Apodaca briefly explained the bill. Senator Brown moved for a favorable report to the PCS with an unfavorable report to the original bill and the motion passed.

Senator Tillman was then recognized and moved for adoption for purposes of discussion of the PCS to **SB 480 Uniform Political Activity/Employees. (Senators Wells, Brock, Wade)** Senator Wells briefly explained the bill. Following questions from members, Senator Tillman moved for a favorable report to the PCS with an unfavorable report to the original bill. The motion passed.

Chairman Soucek then recognized Senator Robinson, who made motion for adoption of the PCS to **SB 330 Change Orders on School Construction Projects. (Senators McInnis, Tillman)** With the PCS adopted for discussion, Senator McInnis was recognized and explained the bill. Senator Tillman was recognized and offered an amendment to the bill (see attachment). The amendment was adopted. Following comments and questions from the members, Senator Apodaca moved that the committee pass the PCS without prejudice and request a referral to the Senate Finance Committee. The motion passed.

Senator Barringer was then recognized to explain **SB 401 Pilot/Sports for Students w/ Disabilities. (Senators Barringer, Tillman, Woodard)** Senator Apodaca moved for a favorable report and the motion was adopted.

With time running out, Chairman Soucek recognized Senator Woodard, who moved for adoption of the PCS to **SB 536 Students Know Before You Go. (Senator Barefoot)** Senator Barefoot explained the bill and offered an amendment. The amendment was adopted and following a question from Senator Stein, Senator Apodaca moved for a favorable report to the PCS, with an unfavorable report to the original bill. The motion passed.

Chairman Soucek then announced that the committee had run out of time and adjourned the meeting.

The meeting adjourned at 12:03PM.

Senator Dan Soucek, Chair
Presiding

John Clark, Committee Clerk

Senate Committee on Education/Higher Education
Wednesday, April 22, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 330	Change Orders on School Construction Projects.	Senator McInnis Senator Tillman
SB 401	Pilot/Sports for Students w/ Disabilities.	Senator Barringer Senator Tillman Senator Woodard
SB 480	Uniform Political Activity/Employees.	Senator Wells Senator Brock Senator Wade
SB 524	Founding Principles/Graduation Requirement.	Senator Curtis Senator Soucek Senator Tillman
SB 536	Students Know Before You Go.	Senator Barefoot
SB 561	Career- and College-Ready Graduates.	Senator Barefoot Senator Rucho
SB 670	Term Limits for BOG Members.	Senator Apodaca

Adjournment

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, April 22, 2015

Senator Soucek,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **536** Students Know Before You Go.

Draft Number:	S536-PCS45356-TC-20
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

SB **670** Term Limits for BOG Members.

Draft Number:	S670-PCS45357-RQ-12
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator John Barefoot will handle SB 536
Senator Tom Apodaca will handle SB 670

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, April 22, 2015

Senator Soucek,
submits the following with recommendations as to passage:

FAVORABLE

SB **401** Pilot/Sports for Students w/ Disabilities.

Draft Number:	None
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Tamara Barringer will handle SB 401

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, April 22, 2015

Senator Soucek,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **480** Uniform Political Activity/Employees.

Draft Number:	S480-PCS15233-TC-10
Sequential Referral:	Judiciary I
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator W. Wells will handle SB 480

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 330

Short Title:	Change Orders on School Construction Projects.	(Public)
Sponsors:	Senators McInnis and Tillman (Primary Sponsors).	
Referred to:	Rules and Operations of the Senate.	

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING CHANGE ORDERS ON SCHOOL CONSTRUCTION PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-521 is amended by adding a new subsection to read:

"(h) All change orders involving school construction contracts shall be approved by the local board of education, except as follows:

(1) The superintendent, or superintendent's designee, may approve a change order in an amount of less than ten thousand dollars ($10,000).

(2) In the event of an emergency, the chair of the local board of education may approve other change orders at the request of the superintendent. The superintendent shall report such change orders to the local board of education at its next regularly scheduled meeting."

SECTION 2. This act becomes effective July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 330
PROPOSED COMMITTEE SUBSTITUTE S330-PCS25242-RQ-10

Short Title: Change Orders on School Construction Projects. (Public)

Sponsors:

Referred to:

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING CHANGE ORDERS ON SCHOOL CONSTRUCTION PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-521 is amended by adding a new subsection to read:

"(h) All change orders involving school construction contracts shall be approved by the local board of education, except as provided in subdivision (1) and (2) of this subsection. If a change order that is required to be approved by the local board of education must be approved before the next regularly scheduled board meeting due to (i) a health or safety issue; (ii) a delay of the construction project; or (iii) the risk of increased cost, the chair of the local board of education or the chair's designee from among the other board members may approve the order at the request of the superintendent. The superintendent shall report the change order to the local board of education at its next regularly scheduled meeting. If the chair of the local board of education or the chair's designee does not approve the change order, a special board meeting shall be called. The following change orders shall not be subject to approval by the local board of education:

(1) In a local school administrative unit that has had an average of at least fifty million dollars ($50,000,000) of school construction projects over the prior five years, the superintendent or superintendent's designee may approve a change order in an amount of up to one hundred thousand dollars ($100,000).

(2) In a local school administrative unit that has had an average of less than fifty million dollars ($50,000,000) of school construction projects over the prior five years, the superintendent or superintendent's designee may approve a change order in an amount of up to twenty-five thousand dollars ($25,000)."

SECTION 2. This act becomes effective October 1, 2015.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 330

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

S330-ARQ-7 [v.2]

Amends Title [NO]
S330-CSRQ-10[v.3]

Date _____ ,2015

Senator Tillman

moves to amend the bill on page 1, line 8 by adding the word "be" after the word "to".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 330:
Change Orders on School Construction Projects

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 22, 2015
Introduced by:	Sens. McInnis, Tillman	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S330-CSRQ-10		

SUMMARY: ***Senate Bill 330 would allow a superintendent or the superintendent's designee to approved change orders on school construction projects in some instances.***

The Proposed Committee Substitute for Senate Bill 330 (PCS) would change the criteria for the delegation of change order approval authority and provide a mechanism for approval by the chair of the local board of education or the chair's designee in certain instances such as health and safety issues or increased costs.

CURRENT LAW: A number of local boards of education have adopted policies regarding the approval of change orders on school construction projects and the authority of board employees to make change orders without the approval of the board. The threshold amount varies among the local boards of education throughout the State.

BILL ANALYSIS: The PCS for SB 330 would provide that school construction change orders must be approved by a local board of education except if certain criteria are met.

For local school administrative units (LEAs) that have had an average of at least $50,000,000 of school construction projects over the prior five years, the superintendent or the superintendent's designee can approve a change order of up to $100,000 without local board approval.

For LEAs that have had an average of less than $50,000,000 of school construction projects over the prior five years, the superintendent or the superintendent's designee can approve a change order of up to $25,000 without local board approval.

For change orders that require approval by the local board of education but must be approved before the next regularly scheduled board meeting because of (i) health or safety issues; (ii) delay of the project, or (iii) risk of increased cost, the chair of the local board, or the chair's designee from among the other board members, may approve the change. The change order must then be reported to the local board of education at the next regularly scheduled meeting. If the chair of the local board, or the chair's designee does not approve the change order, then a special board meeting must be called.

EFFECTIVE DATE: The bill would become effective October 1, 2015.

O. Walker Reagan
Director

S330-SMRQ-22 CSRQ-10 -V3

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SENATE BILL 401*

Short Title:	Pilot/Sports for Students w/ Disabilities.	(Public)
Sponsors:	Senators Barringer, Tillman, Woodard (Primary Sponsors); Barefoot, D. Davis, Hise, Lee, Rabin, Robinson, and Smith-Ingram.	
Referred to:	Rules and Operations of the Senate.	

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC INSTRUCTION TO USE FUNDS TO CONDUCT A PILOT PROGRAM ON INTEGRATED COMMUNITY-BASED ADAPTED SPORTS PROGRAMS FOR STUDENTS WITH DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. Of the funds appropriated to the Department of Public Instruction or State Aid for Public Schools for the 2015-2017 fiscal biennium, the Department may use up to three hundred thousand dollars ($300,000) each fiscal year to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades kindergarten through 12. If the Department uses funds for this purpose, the pilot program shall be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the U.S. Department of Education, Office for Civil Rights, on January 25, 2013. The pilot program shall also include specific strategies to overcome barriers to the participation of students with disabilities in extracurricular athletics and incorporate a philosophy of personal empowerment for those students. The pilot program may be conducted in one or more local school administrative units and provide for collaboration with universities and community colleges and other community organizations to achieve the purposes of the program.

SECTION 2. This act becomes effective July 1, 2015.

SENATE BILL 401:
Pilot/Sports for Students w/ Disabilities

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	**Date:**	April 22, 2015
Introduced by:	Sens. Barringer, Tillman, Woodard	**Prepared by:**	Denise Adams
Analysis of:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 401 would authorize the Department of Public Instruction (DPI) to use funds to conduct a pilot program on integrated community-based adapted sports programs for students with disabilities.

[As introduced, this bill was identical to H314, as introduced by Reps. Bryan, Stam, Lambeth, which is currently in House Education - K-12, if favorable, Appropriations.]

BILL ANALYSIS: Senate Bill 401 would authorize DPI, out of the funds appropriated for the 2015-2017 fiscal biennium, to use up to three hundred thousand dollars ($300,000) each fiscal year to develop and implement a pilot program for an integrated community-based adapted sports program for students with disabilities in grades K-12. If DPI uses funds for this purpose, the pilot would have to meet the following criteria:

1. Be consistent with the "Dear Colleague" letter addressing equal access to extracurricular athletics for students with disabilities released by the U.S. Department of Education, Office for Civil Rights, on January 25, 2013.

2. Include specific strategies to overcome barriers to the participation of students with disabilities in extracurricular athletics and incorporate a philosophy of personal empowerment for those students.

The pilot may be conducted in one or more local school administrative units and provide for collaboration with universities, community colleges, and other community organizations to achieve the purposes of the program.

EFFECTIVE DATE: This act would become effective July 1, 2015.

CURRENT LAW and BACKGROUND: Section 504 of the Rehabilitation Act of 1973, as amended, is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education (Department). Section 504 provides: "No otherwise qualified individual with a disability in the United States....shall, solely, by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...." The Department's Office of Civil Rights (OCR) has administrative authority for enforcing Section 504.

In 2010, the United States Government Accountability Office (GAO) published a report "that underscored that access to, and participation in, extracurricular athletic opportunities provide important health and social benefits to all students, particularly those with disabilities." On January 25, 2013, the Department's OCR released a "Dear Colleague" letter as part of the GAO's recommendation that the Department clarify and communicate the responsibility of schools under Section 504. The letter provides an overview of the Department's Section 504 regulations and the legal obligations of schools under Section 504, cautions against making decisions based on presumptions and stereotypes, and discusses the provision of separate or different athletic opportunities.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 480

Short Title:	Uniform Political Activity/Employees.	(Public)
Sponsors:	Senators Wells, Brock, Wade (Primary Sponsors); and Soucek.	
Referred to:	Rules and Operations of the Senate.	

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A UNIFORM STANDARD FOR EMPLOYEE POLITICAL ACTIVITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 22 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-335.15. Appropriate political activity of school employees; disciplinary action.**

(a) As an individual, each employee of a local board of education retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a local board of education shall:

(1) Actively participate in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he or she is expected to perform services for which the employee receives compensation from a local board of education.

(2) Use the authority of his or her position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a local board of education or employee of the local board of education exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the local board of education as an individual to engage in political activity while not on duty or at times during which he or she is not performing services for which the employee receives compensation from the local board. An employee who is or may be expected to perform his or her duties on a 24 hours per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a local board of education to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a local school administrative unit, including, but not limited to, the use of school issued electronic mail addresses and telephone lines."

SECTION 2. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.91. Appropriate political activity of charter school employees; disciplinary action.**

(a) As an individual, each employee of a charter school retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a charter school shall:

(1) Actively participate in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he or she is expected to perform services for which the employee receives compensation from a charter school.

(2) Use the authority of his or her position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a board of directors of a charter school or employee of the charter school exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the charter school as an individual to engage in political activity while not on duty or at times during which he or she is not performing services for which the employee receives compensation from the charter school. An employee who is or may be expected to perform his or her duties on a 24 hours per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a charter school to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a charter school, including, but not limited to, the use of school issued electronic mail addresses and telephone lines."

SECTION 3. Article 16 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-238.74. Appropriate political activity of school employees; disciplinary action.**

(a) As an individual, each employee of a regional school retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a regional school shall:

(1) Actively participate in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he or she is expected to perform services for which the employee receives compensation from a regional school.

(2) Use the authority of his or her position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party,

or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a board of directors of a regional school or employee of the regional school exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the regional school as an individual to engage in political activity while not on duty or at times during which he or she is not performing services for which the employee receives compensation from the regional school. An employee who is or may be expected to perform his or her duties on a 24 hours per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of his or her position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a regional school to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a regional school, including, but not limited to, the use of school issued electronic mail addresses and telephone lines."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 480
PROPOSED COMMITTEE SUBSTITUTE S480-CSTC-10 [v.6]

4/14/2015 8:53:23 PM

Short Title: Uniform Political Activity/Employees. (Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A UNIFORM STANDARD FOR POLITICAL ACTIVITY OF EMPLOYEE OF THE STATE AND LOCAL BOARDS OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 22 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-335.15. Appropriate political activity of school employees; disciplinary action.**

(a) As an individual, each employee of a local board of education retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no employee of a local board of education shall do any of the following:

(1) Take an active part in managing a political campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which the employee is expected to perform services for which the employee receives compensation from a local board of education.

(2) Otherwise use the authority of the employee's position, or utilize public funds, supplies, equipment, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No member of a local board of education or employee of the local board of education exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any employee of the local board of education as an individual to engage in political activity while not on duty or at times during which the employee is not performing services for which the employee receives compensation from the local board. An employee who is or may be expected to perform the employee's duties on a 24 hour per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of the employee's position. The willful violation of this subsection shall be a Class 1 misdemeanor.

(c) The failure of an employee of a local board of education to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) Notwithstanding the prohibitions of subdivision (3) of subsection (a) of this section, the following shall not be a violation of this section:

(1) For an employee of a local board of education to utilize public funds, supplies, equipment, or vehicles to engage in advocating for or against issues of local, State, or federal policy if that employee is invited by a local, State, or federal policy making body to address that body on that issue.

(2) For an employee of a local board of education to utilize public funds, supplies, equipment, or vehicles to engage in advocating for or against issues of local, State, or federal policy if any of the following apply:

a. The employee is employed as a superintendent or principal.

b. Upon recommendation by the superintendent, the employee's position is determined by the local board of education to involve advocacy on the employer's behalf.

c. One of the stated job duties of the employee is to engage in advocacy on the employer's behalf.

(e) Notwithstanding the requirements of this section, no employee of a local board of education shall be prohibited from providing instruction in civic literacy and the democratic process, as provided in G.S. 115C-81. In providing such instruction, an employee of a local board of education shall not use the authority of the employee's position to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or to encourage student advocacy for or against issues of local, State, or federal policy.

(f) No employee of a local board of education may be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.

(g) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a local school administrative unit, including, but not limited to, the use of local school administrative unit issued electronic mail addresses and telephone lines."

SECTION 2. G.S. 115C-218.90 is amended by adding a new subsection to read:

"(c) The requirements of G.S. 115C-335.15 as to appropriate political activity for school employees shall apply to employees of a charter school."

SECTION 3. G.S. 115C-238.68 is amended by adding a new subdivision to read:

"(7) Political activity. – The requirements of G.S. 115C-335.15 as to appropriate political activity for school employees shall apply to employees of a regional school."

SECTION 4. G.S. 126-13 reads as rewritten:

"**§ 126-13. Appropriate political activity of State employees defined.**

(a) As an individual, each State employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no State employee subject to the North Carolina Human Resources Act or temporary State employee ~~shall:~~shall do any of the following:

(1) Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which ~~he~~the employee is expected to perform services for which ~~he~~ the employee receives compensation from the ~~State;~~State.

(2) Otherwise use the authority of ~~his~~ the employee's position, or utilize State funds, ~~supplies~~ supplies, equipment, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

(3) Utilize public funds, supplies, equipment, or vehicles for partisan purposes, political purposes, or to engage in advocating for or against issues of local, State, or federal policy.

(b) No head of any State department, agency, or institution or other State employee exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any State employee as an individual to engage in political activity while not on duty or at times during which ~~he~~the employee is not performing services for which ~~he~~ the employee receives compensation from the State. A State employee who is or may be expected to perform ~~his~~the employee's duties on a ~~twenty-four~~24 hour per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when ~~he~~the employee is actually performing the duties of ~~his~~ the employee's office. The willful violation of this subdivision shall be a Class 1 misdemeanor.

(c) The failure of a State employee to comply with this section is grounds for disciplinary action which, in a case of deliberate or repeated violation, may include dismissal.

(d) Notwithstanding the prohibitions of subdivision (3) of subsection (a) of this section, the following shall not be a violation of this section:

(1) For a State employee to utilize public funds, supplies, equipment, or vehicles to engage in advocating for or against issues of local, State, or federal policy if that State employee is invited by a local, State, or federal policy making body to address that body on that issue.

(2) For a State employee to utilize public funds, supplies, equipment, or vehicles to engage in advocating for or against issues of local, State, or federal policy if the position is determined by the employer to involve advocacy on the employer's behalf or if one of the stated job duties of the State employee is to engage in advocacy on the employer's behalf.

(e) For the purposes of this section, the term "equipment" includes digital and electronic resources controlled and maintained by a State department, agency or institution, including, but not limited to, the use of State issued electronic mail addresses and telephone lines."

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

SENATE BILL 480:
Uniform Political Activity/Employees

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Judiciary I	**Date:**	April 22, 2015
Introduced by:	Sens. Wells, Brock, Wade	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition S480-CSTC-10		

SUMMARY: ***SB 480 establishes requirements for appropriate political activity of employees of local boards of education.***

The PCS for SB 480 would create parallel requirements for appropriate political activity of employees of State government and local boards of education, including 1) restrictions on issue advocacy, with certain exceptions, 2) a uniform definition of equipment, and 3) violation of the statute as grounds for disciplinary action.

CURRENT LAW: G.S. 126-13 provides for the appropriate political activity of State employees as follows:

- All State employees retain all the rights and obligations of citizenship provided by the federal and State Constitutions and all federal and State laws.
- State employees are prohibited from:
  - Taking any active part in managing a campaign, campaigning for political office, or otherwise engaging in political activity while on duty or within any period of time during which the employee is expected to perform services for which compensation is received from the State.
  - Otherwise using the authority of the employee's position, or utilizing State funds, supplies, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.
- Supervisors of State employees are prohibited from making or enforcing any rule or policy which interferes with the right of a State employee as an individual to engage in political activity while not on duty or at times during which the employee is not performing services for which compensation is received from the State. State employees whose job may require them to perform on a 24 hour basis are not prevented from engaging in political activity except during regularly scheduled working hours or at other times when the employee is actually performing the duties of office. The willful violation of this subdivision by a supervisor is a Class 1 misdemeanor.

G.S. 126-14 makes it unlawful for a State employee to coerce a State employee (including probationary, temporary, and applicants for State employment) to support or contribute to a political candidate, political committee, or political party, or to change the employee's voter registration party designation by threatening a change in employment status, discipline, or preferential personnel treatment will occur as a result. A violation is a Class 2 misdemeanor.

BILL ANALYSIS: The PCS for SB 480 would make the following changes:

Section 1: Establish new requirements for appropriate political activity of employees of local boards of education (school employees), which largely parallel the requirements for State employees established in G.S. 126-13 as provided above.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

In addition to the requirements found in G.S. 126-13, the requirements for school employees would also include the following:

- Prohibit school employees from utilizing public funds, supplies, equipment, or vehicles for partisan purpose, political purposes, or to engage in advocating for or against issue of local, State, or federal policy.
    - An employee would be permitted to engage in advocating for or against issue of local, State, or federal policy as follows:
        - If the school employees was invited by a local, State, or federal body to address that body on a specific issue.
        - If the school employee was a superintendent or principal.
        - If, upon the recommendation of the superintendent, the employee's position was determined by the local board of education to involve advocacy on the employer's behalf.
        - If one of the stated job duties of the employee was to engage in advocacy.
    - Employees of local boards of education would not be prohibited from teaching about civic literacy or the democratic process, but would not be permitted to use their position to secure support or oppose candidates, parties, or issues in an election or to encourage student advocacy for or against issues of local, State, or federal policy.
- Provide that failure to comply with the requirements regarding political activity would be grounds for disciplinary action, which in the case of deliberate or repeated violations may include dismissal.
- An employee could not be required, as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- Define equipment as digital and electronic resources controlled and maintained by the local school administrative unit, including email addresses and phones.

Sections 2 and 3: The requirements for appropriate political activity of school employees would also apply to employees of charter schools and regional schools.

Section 4: Would make changes to the State employee political activity statute, G.S. 126-13, to parallel new requirements in the school employee statute as follows:

- Prohibit State employees from utilizing public funds, supplies, equipment, or vehicles for partisan purpose, political purposes, or to engage in advocating for or against issue of local, State, or federal policy.
    - An employee would be permitted to engage in advocating for or against issue of local, State, or federal policy as follows:
        - If the State employee was invited by a local, State, or federal body to address that body on a specific issue.
        - If the employee's position was determined by the employer to involve advocacy on the employer's behalf.
        - If one of the stated job duties of the employee was to engage in advocacy.
- Provide that failure to comply with the requirements regarding political activity would be grounds for disciplinary action, which in the case of deliberate or repeated violations may include dismissal.
- Define equipment as digital and electronic resources controlled and maintained by the local school administrative unit, including email addresses and phones.

EFFECTIVE DATE: SB 480 would become effective when it became law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 524

Short Title:	Founding Principles/Graduation Requirement.	(Public)
Sponsors:	Senators Curtis, Soucek, Tillman (Primary Sponsors); Barefoot, Hise, Krawiec, McInnis, Newton, Pate, and Sanderson.	
Referred to:	Education/Higher Education.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE RIGOR OF INSTRUCTION OF THE FOUNDING PRINCIPLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(g) reads as rewritten:

"(g) Civic Literacy. –

(1) ~~Local boards of education~~ The State Board of Education shall require during the high school years the teaching of a semester course ~~"American History I – The Founding Principles," to include~~that includes instruction in ~~at least~~ the ~~following:~~following Founding Principles of the United States of America:

a. The Creator-endowed inalienable rights of the people.
b. Structure of government, separation of powers with checks and balances.
c. Frequent and free elections in a representative government.
d. Rule of law.
e. Equal justice under the law.
f. Private property rights.
g. Federalism.
h. Due process.
i. Individual rights as set forth in the Bill of Rights.
j. Individual responsibility.
k. Constitutional limitations on government power to tax and spend and prompt payment of public debt.
l. Money with intrinsic value.
m. Strong defense and supremacy of civil authority over military.
n. Peace, commerce, and honest friendship with all nations, entangling alliances with none.
o. Eternal vigilance by "We the People."

A passing grade in the course shall be required for graduation from high school.

(2), (3) Repealed by Session Laws 2011-273, s. 2, effective June 23, 2011, and applicable beginning with the 2014-2015 school year.

(3a) Local boards of education shall allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event, excerpts or portions of writings, documents, and records

that reflect the history of the United States, including, but not limited to, (i) the preamble to the North Carolina Constitution, (ii) the Declaration of Independence, (iii) the United States Constitution, (iv) the Mayflower Compact, (v) the national motto, (vi) the National Anthem, (vii) the Pledge of Allegiance, (viii) the writings, speeches, documents, and proclamations of the founding fathers and Presidents of the United States, (ix) decisions of the Supreme Court of the United States, and (x) acts of the Congress of the United States, including the published text of the Congressional Record. Local boards, superintendents, principals, and supervisors shall not allow content-based censorship of American history in the public schools of this State, including religious references in these writings, documents, and records. Local boards and professional school personnel may develop curricula and use materials that are limited to specified topics provided the curricula and materials are aligned with the standard course of study or are grade level appropriate.

(3b) A local school administrative unit may display on real property controlled by that local school administrative unit documents and objects of historical significance that have formed and influenced the United States legal or governmental system and that exemplify the development of the rule of law, such as the Magna Carta, the Mecklenburg Declaration, the Ten Commandments, the Justinian Code, and documents set out in subdivision (3a) of this subsection. This display may include, but shall not be limited to, documents that contain words associated with a religion; provided however, no display shall seek to establish or promote religion or to persuade any person to embrace a particular religion, denomination of a religion, or other philosophy. The display of a document containing words associated with a religion shall be in the same manner and appearance generally as other documents and objects displayed and shall not be presented or displayed in any fashion that results in calling attention to it apart from the other displayed documents and objects. The display also shall be accompanied by a prominent sign quoting the First Amendment of the United States Constitution as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

(4) The State Board of Education shall require that any high school level curriculum-based tests for the course required in subdivision (1) of this subsection developed and administered statewide beginning with the ~~2014-2015~~2015-2016 academic year include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(5) The Department of Public Instruction and the local boards of education, as appropriate, shall provide or cause to be provided curriculum content for the semester course required in subdivision (1) of this subsection and teacher training to ensure that the intent and provisions of this subsection are carried out. The curriculum content established shall include a review of the contributions made by Americans of all races.

(6) The Department of Public Instruction shall submit a biennial report by October 15 of each odd-numbered year to the Joint Legislative Education Oversight Committee covering the implementation of this subsection."

SECTION 2. This act is effective when it becomes law and applies beginning with students entering the ninth grade in the 2015-2016 school year.

SENATE BILL 524:
Founding Principles/Graduation Requirement

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 22, 2015
Introduced by:	Sens. Curtis, Soucek, Tillman	**Prepared by:**	Denise Adams
Analysis of:	First Edition		Legislative Analyst

SUMMARY: Senate Bill 524 would make changes to the Founding Principles Act.

CURRENT LAW: In 2011, the General Assembly passed H588 (S.L. 2011-273), The Founding Principles Act, which changed the previous statutory requirements of civic literacy under the Basic Education Program. Beginning with the 2014-2015 School Year, the Founding Principles Act requires "during the high school years the teaching of a semester course 'American History I – The Founding Principles,'" and specifies the course must include instruction in the following Founding Principles:

a. The Creator-endowed inalienable rights of the people.
b. Structure of government, separation of powers with checks and balances.
c. Frequent and free elections in a representative government.
d. Rule of law.
e. Equal justice under the law.
f. Private property rights.
g. Federalism.
h. Due process.
i. Individual rights as set forth in the Bill of Rights.
j. Individual responsibility.

A passing grade in this course is required for graduation from high school.

The State Board of Education (SBE) is directed to require that any high school level curriculum-based tests for this course that are developed and administered statewide beginning with the 2014-2015 school year include questions related to the founding principles.

BILL ANALYSIS: Senate Bill 524 would make the following changes to the Founding Principles Act:

1. Directs the SBE, rather than local boards, to require a course on the founding principles is taught in high schools.

2. Removes the name of the required course, "American History I – The Founding Principles" from statute.

3. Specifies additional instruction that must be taught in the required course, as follows:

k. Constitutional limitations on government power to tax and spend and prompt payment of public debt.
l. Money with intrinsic value.
m. Strong defense and supremacy of civil authority over military.

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n. Peace, commerce, and honest friendship with all nations, entangling alliances with none.
o. Eternal vigilance by "We the People."

4. Makes a clarifying change to the statute on the curriculum-based statewide tests to clarify the statute is referring to tests associated with this required course.

5. Makes a conforming change to the school year in which the required curriculum-based statewide tests would start to align with the effective date of this bill.

EFFECTIVE DATE: This bill would be effective when it becomes law and applies beginning with the 2015-2016 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 536
PROPOSED COMMITTEE SUBSTITUTE S536-CSTC-20 [v.2]

4/17/2015 6:01:55 PM

Short Title: Students Know Before You Go. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ACCURATE AND COMPLETE DATA TO STUDENTS ON POSTSECONDARY STUDENT COMPLETION, GRADUATION, AND EARNINGS OUTCOMES AT NORTH CAROLINA POSTSECONDARY INSTITUTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 23 of Chapter 16 of the General Statutes is amended by adding a new section to read:

"**§ 116-209.16A. Information on career and major options.**

(a) Know Before You Go. – The Authority shall provide information on its Web site, under a section entitled "Know Before You Go", to students and parents to assist in selection of major and career options as provided in this section. The information shall be updated annually.

(b) Career Options. The Authority shall provide information on projected employment needs in the labor economy and associated salary ranges for those areas of employment, college majors which may fulfill those needs, and institutions of higher education that may provide those majors. The Authority may use existing sources of public information, such as the employment projections produced by the federal Department of Labor, Bureau of Labor Statistics, to develop this information.

(c) Major Options. – The Authority shall, as data is available, provide information based on aggregate data for outcomes of public and private institutions of higher education in North Carolina. Outcome information for each public and private institution of higher education shall include, but is not limited to, the following:

(1) Completion rates within the expected numbers of semesters for the degree sought.
(2) Transfer rates of students to other institutions.
(3) Percentage of students receiving financial aid, by type of aid.
(4) Average and median amount of loan debt upon student graduation, by major.
(5) Average and median salary, by major.
(6) Percentage of graduates employed full-time within six months of graduation, by major.
(7) Percentage of graduates enrolled in graduate school within six months of graduation, by major."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 536

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

S536-ATW-13 [v.1]

Amends Title [NO]
First Edition

Date _____,2015

Senator Barefoot

moves to amend the bill on page 1, line 9, by deleting the word "its" and substituting the word "a".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 536:
Students Know Before You Go

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 22, 2015
Introduced by:	Sen. Barefoot	**Prepared by:**	James Ritter
Analysis of:	PCS to First Edition S536-CSTW-20		Legislative Analyst

SUMMARY: ***House Bill 536 enacts G.S. 116-209.16A, which requires the North Carolina State Education Assistance Authority (NCSEAA) to provide accurate and complete data to students on postsecondary student retention, graduation, and earnings outcomes at North Carolina postsecondary institutions.***

The PCS for House Bill 536 requires the NCSEAA to update this information on its website annually. It also requires the posted information to report on outcomes at each public and private institution of higher education that include the (i) median amount of loan debt upon graduation by major; (ii) median salary by major; (iii) percentage of full time graduates employed full-time within six months of graduation by major; and (iv) percentage of graduates enrolled in graduate school within six months of graduation by major.

CURRENT LAW: The current statutes do not require the NCSEAA to provide postsecondary student retention, graduation, and earnings outcome information on their website for students and their parents.

BILL ANALYSIS: The PCS for House Bill 536 requires the NCSEAA to provide information on its website entitled "Know Before You Go", to potential students and their parents to assist in major and career options that must be updated annually. The NCSEAA must provide information on the projected employment needs in the labor economy and the salary ranges for those areas of employment, college majors which may fulfill those needs, and institutions that may offer those majors. The NCSEAA may use existing sources of public information to develop the information for the website.

The NCSEAA must as data is available, provide information based on aggregate data for outcomes at public and private institutions of higher education in North Carolina. Outcomes information for each public and private institution of higher education must include the following:

- Completion rates within the expected number of semesters for the degree sought.
- Transfer rates of students to other institutions.
- Percentage of students receiving financial aid, by type of aid.
- Average and median amount of loan debt upon student graduation, by major.
- Average and median salary by major.
- Percentage of graduates employed full-time within six months of graduation by major.
- Percentage of graduates enrolled in graduate school within six months of graduation, by major.

EFFECTIVE DATE: This act is effective when it becomes law.

O. Walker Reagan
Director

S536-SMTW-20 CSTC-20 -V6

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 561

Short Title:	Remediation-Free HS Graduates.	(Public)
Sponsors:	Senators Barefoot, Rucho (Primary Sponsors); and Krawiec.	
Referred to:	Rules and Operations of the Senate.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A PLAN TO ENSURE THAT STUDENTS WHO COMPLETE HIGH SCHOOL ARE READY TO BEGIN COMMUNITY COLLEGE COURSE WORK WITHOUT NEED FOR REMEDIATION.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Community Colleges, in consultation with the State Board of Education and the Board of Governors of The University of North Carolina (Boards), shall review current programs being implemented in the State and programs implemented in other states that provide opportunities for college remediation for students prior to high school graduation through cooperation with higher education partners.

The Boards shall develop a detailed proposal of a plan for implementing a cooperative delivery of remedial education in mathematics and English to students who have not yet completed high school which ensures that those students, upon completion of the remedial education coursework, will be prepared for coursework at a North Carolina community college without need for further remediation in mathematics or English. The Boards shall ensure that the plan can be implemented statewide and shall include information on estimated costs and an appropriate timeline for implementation. The Boards shall report the plan, along with any necessary statutory changes, to the Joint Legislative Education Oversight Committee no later than January 15, 2016.

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 561
PROPOSED COMMITTEE SUBSTITUTE S561-CSTC-21 [v.4]

4/21/2015 10:08:51 PM

Short Title: Career and College Ready Graduates. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT STUDENTS WHO COMPLETE HIGH SCHOOL ARE CAREER AND COLLEGE READY.

Whereas, a study by the Community College Research Center at Columbia University found that students who enter college underprepared and requiring remediation are much less likely to graduate than those who test at college-ready levels and that students who enter college underprepared and requiring remediation frequently do not enroll in classes of any kind, and;

Whereas, of those students in 2013 who graduated from high school and immediately enrolled in a North Carolina community college, 52% were required to take one or more remedial courses at the community college, including 41% who were required to take a remedial math course, and 36% who were required to take a remedial reading and English course, and;

Whereas, reducing the need for remediation reduces the impact that being underprepared has on students who are dependent on financial aid and helps remove barriers to completion of college programs; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Community Colleges, in consultation with the State Board of Education (Boards), shall develop a program for implementation in the 2016-2017 school year that introduces the college developmental mathematics and developmental reading and English curriculums in the high school senior year and provide opportunities for college remediation for students prior to high school graduation through cooperation with community college partners. The program shall require the following:

(1) Establishment by the State Board of Community College of measures for determining student readiness and preparation for college coursework by using ACT scores, student grade point averages, or other measures currently used by the State Board of Community Colleges to determine college readiness for entering students.

(2) Changes in curriculum, policy, and rules as needed by the State Board of Community Colleges and State Board of Education to make remedial courses mandatory for students who do not meet readiness indicators by their junior year to ensure college readiness prior to high school graduation. These changes shall include the flexibility for students to fulfill senior

mathematics and English graduation requirements through enrollment in mandatory remedial courses or to enroll in those courses as electives.

(3) Revisions to current direct instruction remediation modules used by the North Carolina community colleges by the State Board of Community Colleges, in cooperation with the State Board of Education, to provide remedial education to high school students.

(4) Determinations by the State Board of Community Colleges on the following:

a. Appropriate measures of successful completion of the remedial courses to ensure students are prepared for coursework at a North Carolina community college without need for further remediation in mathematics or reading and English.

b. The length of time following high school graduation in which a student who successfully completed high school remedial courses will not be required to enroll in developmental courses at a North Carolina community college.

(5) Policies established by the State Board of Community Colleges and State Board of Education for delivery of college remediation instruction in high schools. The policies shall include the following requirements:

a. Faculty from the partner community college will provide training and oversight for high school faculty who will serve as facilitators for high school students enrolled in the remedial courses.

b. Faculty from the partner community college will make regular site visits to provide assistance to students and high school faculty with the remedial courses.

c. Partner high schools shall identify and assign appropriate faculty to the remedial course. Assigned faculty shall be trained by partner community college faculty prior to the start of the school year or semester in which the faculty will facilitate the remedial course.

d. Partner high schools shall provide appropriate technology resources for delivery of the remedial course modules.

The Boards shall report on progress of implementation of the program, including the above requirements, statewide to the Joint Legislative Education Oversight Committee no later than January 15, 2016.

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

SENATE BILL 561:
Career and College Reach HS Graduates

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sens. Barefoot, Rucho	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition S561-CSTC-21		

SUMMARY: ***SB 561 would require the State Board of Community Colleges (SBCC) to review programs for college remediation of students prior to high school graduation through cooperation with higher education partners and develop and report on a plan for such a program to the Joint Legislative Education Oversight Committee.***

The PCS for SB 561 would require the SBCC to develop a program providing community college remediation to high school seniors beginning with the 2016-2017 school year.

BILL ANALYSIS: The PCS for SB 561 would require the SBCC, in consultation with the State Board of Education (SBE), to develop a program of community college developmental courses in (1) mathematics and (2) reading and English in the high school senior year through cooperation with community college partners. The program would be required to include:

(1) Measures established by the SBCC to determine student readiness and preparation for college coursework by using ACT scores, student grade point averages, or other measures used by the SBCC to determine college readiness for entering students.

(2) Changes in curriculum, policy, and rules needed by the SBCC and SBE to make remedial courses mandatory for students who do not meet readiness indicators by their junior year. The changes would be required to include flexibility for students to fulfill senior mathematics and English graduation requirements through enrollment in mandatory remedial courses or to enroll in those courses as electives.

(3) Revisions to current direct instruction remediation modules used by the North Carolina community colleges by the SBCC, in cooperation with the SBE, to provide remedial education to high school students.

(4) Determinations by the SBCC on the appropriate measures of successful completion of the remedial courses and length of time following high school graduation in which a student who successfully completed remediation would not be required to enroll in developmental courses at a North Carolina community college.

(5) Policies established by the SBCC and SBE for delivery of college remediation instruction in high schools, including the following:

a. Faculty from partner community colleges will provide training and oversight for high school faculty who facilitate remedial courses for high school students.

b. Faculty from partner community college will make regular site visits to provide assistance to students and high school faculty with the remedial courses.

c. Partner high schools will identify and assign appropriate faculty to the remedial course, who will be trained by partner community college faculty prior to the start

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of the school year or semester in which the faculty will facilitate the remedial course.

d. Partner high schools will provide appropriate technology resources for delivery of the remedial course modules.

The program would be implemented beginning with the 2016-2017 school year. The SBCC and SBE would report on statewide implementation progress to the Joint Legislative Education Oversight Committee no later than January 15, 2016.

EFFECTIVE DATE: The PCS for SB 561 would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 670
PROPOSED COMMITTEE SUBSTITUTE S670-CSRQ-12 [v.1]

4/21/2015 3:40:55 PM

Short Title: Term Limits for BOG Members. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO LIMIT MEMBERS OF THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS TO THREE TERMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-6(e) reads as rewritten:

"(e) Beginning with elections held on or after January 1, 2015, ~~No~~ no person may be elected ~~to:~~

~~(1)~~ ~~More~~ to more than three ~~full four-year terms in succession;~~terms. Election for a partial term to fill a vacancy as provided in G.S. 116-7 shall not count toward the three term limitation.

~~(2) A four-year term if preceded immediately by election to two full eight-year terms in succession; or~~

~~(3) A four-year term if preceded immediately by election to an eight-year term and a four-year term in succession.~~

~~Resignation from a term of office does not constitute a break in service for the purpose of this subsection. Service prior to the beginning of those terms in 1989 shall be included in the limitations.~~"

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

SENATE BILL 670:
Term Limits for BOG Members

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 22, 2015
Introduced by:	Sen. Apodaca	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S670-CSRQ-12		

SUMMARY: Senate Bill 670 would limit individuals to three terms on the Board of Governors of The University of North Carolina (BOG).

The Proposed Committee Substitute for Senate Bill 670 (PCS) would clarify that an election for a partial term to fill a vacancy would not count against the three term limitation.

CURRENT LAW: An individual cannot be elected to more than three four-year terms in succession to the BOG.

BILL ANALYSIS: The PCS for Senate Bill 670 would limit individual to three terms on the BOG and would clarify that an election for a partial term to fill a vacancy would not count against the three term limitation.

EFFECTIVE DATE: The bill would become effective when it becomes law and begins with elections held on or after January 1, 2015.

O. Walker Reagan
Director

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Research Division
(919) 733-2578

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VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joel Mayworm	GSM : Raleigh
Vicki Beyer	self
Julie Kowal	BEST NC

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lynn Tennant	NCGA
Cee Ames	NC Assoc of Realtors
Cheryl Posner-Cahill	NC School Psych Assoc
Sudha Dev	Self Employed -
Sarah Preston	ACLU-NC
Erin Flack	NCGA
Tom West	NCICU
Nick Galitsch	OSBM
Keith Brannum	
Evelyn Hawthorne	EH GR
Lauren Winn	NCSBA

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Lanier	UNCW
Bruce Thompson	PARKER AGE
Erik Pelletier	America Rising, LLC
Dave Horne	Smith Anderson
Michelle Brooks	ECU
Alison Harrison	NCSSWA
Erin Gray	GOV's Office
[illegible]	[illegible]
Jamison Bell	NCBA
Susan McCracken	Appalachian State University
Mary Shuping	NCCCS
Brenda Berg	BEST NC

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Collier Brownell	Saint Augustine's University
RaeShawn White	Saint Augustine's University
Sean Scott	Saint Augustine's University
Liz Fournier	Saint Augustine's 1315 Oakwood Ave Raleigh NC 27610
Farid	Saint Augustine's 1315 Oakwood Ave Raleigh, NC 27610
Fay Gore	NCDPI
Robin McCoy	NCDPI
Ellen Essick	NCDPI
Burt Jenkins	NCDPI

VISITOR REGISTRATION SHEET

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ashley Thomas	Bridge II Sports
Jo Thomas	Bridge II Sports
David Crawford	AIA NC
Betsy Bailey	CHCC
Rebecca Garland	DPI
Sue Tayne	NC PCSA
[illegible]	Self
[illegible]	[illegible]
Doug Walbrecht	NCSBA
[illegible]	UNCGA
Santarea Boyce	Saint Augustine's University

Senate Committee on Education/Higher Education
Tuesday, April 28, 2015, 2:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 95	Performance-Based RIF/School Policy.	Senator Barefoot Senator Soucek
SB 97	State Advisory Council on Indian Education.	Senator J. Davis
SB 211	Damages for Late Payment of Monies/Charters.	Senator Tillman
SB 400	School Access for Boy Scouts/Girl Scouts.	Senator Barringer Senator Daniel Senator Newton
SB 456	Charter School Modifications.	Senator Tillman
SB 478	In-State Tuition For Certain Vets/Fed Prog.	Senator Brown Senator Rabon Senator Sanderson
SB 524	Grad Requirements/Sports Pilot.	Senator Curtis Senator Soucek Senator Tillman
SB 561	Funds for Special Education Scholarships.	Senator Barefoot Senator Rucho
SB 593	Improve Professor Quality/UNC System.	Senator McInnis

Adjournment

Senate Committee on Education/Higher Education
Tuesday, April 28, 2015 at 2:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 2:00 PM on April 28, 2015 in Room 544 of the Legislative Office Building. 27 members were present.

Senator Jerry Tillman Chair presided.

Senator Tillman temporarily relinquished his chair position to Senator Soucek.

With the proposed committee substitute before the committee, Chairman Soucek recognized Senator Tillman to explain **SB 211 Damages for Late Payment of Monies/Charters.** Senator Wade moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed.

With the proposed committee substitute before the committee, Chairman Soucek recognized Senator Tillman to explain **SB 456 Charter School Modifications.** Chairman Soucek then recognized Drupti Chauhan, Research Staff, to assist with the explanation of the PCS for SB 456. Following questions from the committee members, Senator Cook moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed.

With the proposed committee substitute before the committee, Chairman Tillman recognized Senator Barefoot to explain **SB 561 Career and College Ready Graduates.** Following questions from the committee members, Senator Rabin moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed.

Chairman Tillman recognized Senator Barefoot to explain **SB 95 Performance-Based RIF/School Policy.** Senator Newton moved for a favorable report. The motion passed.

Chairman Tillman recognized Senator Curtis to explain **SB 524 Founding Principles/Graduation Requirement.** Following questions from the committee members, Senator Newton moved for a favorable report. The motion passed.

With the proposed committee substitute before the committee, Chairman Tillman recognized Senator Davis to explain **SB 97 State Advisory Council on Indian Education.** Senator Bingham moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed.

With the proposed committee substitute before the committee, Chairman Tillman recognized Senator Brown to explain **SB 478 In-State Tuition For Certain Vets/Fed Prog.** Senator Robinson moved for a favorable report to the proposed committee substitute and unfavorable report to the original bill. The motion passed.

With the proposed committee substitute before the committee, Chairman Tillman recognized Senator Curtis and Senator McInnis to explain **SB 593 Improve Professor Quality/UNC System.** There was no vote taken on this bill. Chairman Tillman recommended that the bill be placed in a LRC Study.

Chairman Tillman called the committee at ease in order for an amendment to be prepared for **SB 400 School Access for Boy Scouts/Girl Scouts. (Senators Barringer, Daniel, Newton)**

Senator Jerry W. Tillman, Chair

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Tuesday, April 28, 2015

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **97** State Advisory Council on Indian Education.
Draft Number: S97-PCS15239-TW-13
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

SB **211** Penalty for Late Payment of Monies/Charters.
Draft Number: S211-PCS25258-RQ-14
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

SB **478** In-State Tuition For Certain Vets/Fed Prog.
Draft Number: S478-PCS25257-LH-2
Sequential Referral: None
Recommended Referral: None
Long Title Amended: Yes

TOTAL REPORTED: 3

Senator James Davis will handle SB 97
Senator Jerry Tillman will handle SB 211
Senator Harry Brown will handle SB 478

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Tuesday, April 28, 2015

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **456** Charter School Modifications.

Draft Number:	S456-PCS25259-TC-30
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Jerry Tillman will handle SB 456

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Tuesday, April 28, 2015

Senator Tillman,
submits the following with recommendations as to passage:

FAVORABLE

SB **95** Performance-Based RIF/School Policy.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

SB **524** Founding Principles/Graduation Requirement.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **561** Remediation-Free HS Graduates.

Draft Number:	S561-PCS25255-TC-21
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 3

Senator John Barefoot will handle SB 95
Senator David Curtis will handle SB 524
Senator John Barefoot will handle SB 561

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Tuesday, April 28, 2015

Senator Soucek,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **400** Encourage Access to Boy Scouts/Girl Scouts.

Draft Number:	S400-PCS35280-RQ-5
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

SB **597** Education Statutes Revision.

Draft Number:	S597-PCS15242-RQ-15
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Tamara Barringer will handle SB 400
Senator Jerry Tillman will handle SB 597

SENATE BILL 211
Education/Higher Education Committee Substitute Adopted 4/28/15

Short Title: Damages for Late Payment of Monies/Charters. (Public)

Sponsors:

Referred to:

March 11, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR DAMAGES WHEN FUNDS ARE NOT TRANSFERRED WITHIN REQUIRED TIME LINES BETWEEN LOCAL SCHOOL ADMINISTRATIVE UNITS AND CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-218.105 reads as rewritten:

"**§ 115C-218.105. State and local funds for a charter school.**

(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency;

(2) An additional amount for each child attending the charter school who is a child with disabilities; and

(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-218.5(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with disabilities.

(b) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities, equipment, or operations. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into

which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(c) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and charter school may use the process for mediation of differences between the State Board and a charter school provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides.

(d) The local school administrative unit shall also provide each charter school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (c) of this section:

(1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).

(2) The student membership numbers used to calculate the per pupil share of the local current expense fund.

(3) How the per pupil share of the local current expense fund was calculated.

(4) Any additional records requested by a charter school from the local school administrative unit in order for the charter school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

(e) Prior to commencing an action under subsection (c) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and court costs incurred in an action under subsection (c) of this section. The court shall also award the prevailing party liquidated damages in an amount equal to five percent (5%) of the monies that should have been transferred under subsection (c) of this section as compensation for administrative expenses incurred by the prevailing party due to the unavailability of those monies. The court shall order any delinquent funds, court costs, fees, liquidated damages, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment."

SECTION 2. This act is effective when it becomes law and applies to any actions filed on or after that date.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 211:
Damages for Late Payment of Monies/Charters

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sen. Tillman	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S211-CSRQ		

SUMMARY: Senate Bill 211 provides for an additional 5% monetary penalty for the prevailing party in an action between a local school administrative unit (LEA) and a charter school regarding the transfer of the per pupil share of the local current expense fund.

The Proposed Committee Substitute (PCS) would provide that the court shall also award the prevailing party liquidated damages in an amount equal to 5% of the monies that should have been transferred as compensation for administrative expenses incurred by the prevailing party due to the unavailability of those monies.

CURRENT LAW: If a student attends a charter school, the LEA in which the child resides must transfer to the charter school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year within 30 days of the receipt of monies into the local current expense fund. In addition, the LEA must also provide each charter school to which it transfers a per pupil share of its local current expense fund information on monies the LEAs have in various funds; student membership numbers and how calculations were made; and additional records the charter school requests to audit and verify the calculation and transfers. In actions brought for violations of these transfer requirements, the court must award the prevailing party reasonable attorneys' fees and costs incurred as well as the delinquent funds all of which must be paid no later than one year from the entry of any judgment.

BILL ANALYSIS: The PCS would provide that the court shall also award the prevailing party liquidated damages in an amount equal to 5% of the monies that should have been transferred as compensation for administrative expenses incurred by the prevailing party due to the unavailability of those monies.

EFFECTIVE DATE: The bill would become effective when it becomes law and applies to any actions filed on or after that date.

O. Walker Reagan
Director

S211-SMRQ-31 CSRQ-14 -V5

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 3

SENATE BILL 456
Education/Higher Education Committee Substitute Adopted 4/28/15
Third Edition Engrossed 4/29/15

Short Title: Charter School Modifications. (Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE CHARTER SCHOOL STATUTES AND TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES REGARDING REPLICATION OF CERTAIN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-218(b)(10) reads as rewritten:

"(10) Powers and duties. – The Advisory Board shall have the following duties:

a. To make recommendations to the State Board of Education on the adoption of rules regarding all aspects of charter school operation, including time lines, standards, and criteria for acceptance and approval of applications, monitoring of charter schools, and grounds for revocation of charters. The State Board shall submit all proposed rules and other guidance related to charter schools to the Advisory Board, and the Advisory Board shall, within 45 days of receipt, provide written comments and recommendations to the State Board. The State Board shall not adopt any proposed rules and other guidance related to charter schools until comments and recommendations have been received from the Advisory Board, unless the Advisory Board fails to provide written comments and recommendations within 45 days of receipt of the proposals."

SECTION 2. G.S. 115C-218.1(b)(3) reads as rewritten:

"(3) The governance structure of the school including the names of the initial members of the board of directors of the nonprofit, tax-exempt corporation and the process to be followed by the school to ensure parental involvement. A teacher employed by the board of directors to teach in the charter school may serve as a nonvoting member of the board of directors for the charter school. The board of directors may include members who are not residents of the State, however, the State Board of Education may require by rule that a majority of the board of directors reside within the State."

SECTION 3. G.S. 115C-218.1(b)(13) reads as rewritten:

"(13) The number of students to be served, which number shall be at least ~~65,~~80, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than ~~65~~ 80 students or employ fewer than three teachers if the application

contains a compelling reason, such as the school would serve a geographically remote and small student population."

SECTION 3.5. G.S. 115C-218.1 is amended by adding a new subsection to read:

"(d) As part of the application review process, the State Board of Education and the North Carolina Charter Schools Advisory Board shall evaluate charter school applications for approval or rejection based upon the content and substance of the applications. Format issues with an application shall not impact the substantive review of the content of an application. The State Board of Education and the Advisory Board shall provide timely notification to an applicant of any format issues or incomplete information regarding the application and provide the applicant at least five business days to correct those issues in the application. The Advisory Board shall permit an applicant to address the Advisory Board regarding the application for at least 10 minutes immediately prior to any final vote on an application."

SECTION 4. G.S. 115C-218.5 reads as rewritten:

"**§ 115C-218.5. Final approval of applications for charter schools.**

(a) The State Board may grant final approval of an application if it finds the following:

(1) The application meets the requirements set out in this Article and such other requirements as may be adopted by the State Board of Education.

(2) The applicant has the ability to operate the school and would be likely to operate the school in an educationally and economically sound manner.

(3) Granting the application would achieve one or more of the purposes set out in G.S. 115C-269.1.

In reviewing applications for the establishment of charter schools within a local school administrative unit, the State Board is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. The State Board of Education shall give equal consideration to all applications that were previously denied for being incomplete.

(b) The State Board shall make final decisions on the approval or denial of applications by August 15 of a calendar year on all applications it receives prior to a date established by the Office of Charter Schools for receipt of applications in that application cycle. The State Board may make the final decision for approval contingent upon the successful completion of a planning period prior to enrollment of students.

(c) The State Board of Education may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. The State Board shall not allocate any funds to the school until the school has obtained space.

(d) The State Board of Education may grant the initial charter for a period not to exceed 10 years. The State Board of Education ~~may~~ shall renew the charter upon the request of the chartering entity for subsequent periods of 10 ~~years each. The renewal may be for less than 10 years if any~~ years, unless one of the following applies:

(1) The charter school has not provided financially sound audits for the prior three years.

(2) The charter school's student academic outcomes for the past three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.

(3) The charter school is ~~not~~ not, at the time of application for renewal, in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

(e) A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

Except as provided in subsection (f) of this section, enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than twenty percent (20%) only if the State Board finds all of the following:

(1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.

(2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.

(3) The charter school is not currently identified as low-performing.

(4) The charter school meets generally accepted standards of fiscal management.

(5) It is otherwise appropriate to approve the enrollment growth.

(e1) The State Board shall grant approval for a material revision of a charter application for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter by up to twenty percent (20%) of the school's previous year's enrollment, unless one of the following applies:

(1) The charter school has been notified by the State Board in the previous year of failure to meet requirements for student performance contained in the charter or failure to meet generally accepted standards of fiscal management.

(2) The charter school is not in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board.

(f) It shall not be considered a material revision of a charter application and shall not require prior approval of the State Board for a charter school to do any of the following:

~~(1) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to twenty percent (20%) of the school's previous year's enrollment.~~

(2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.

(3) Expand to offer one grade higher than the charter school currently offers if the charter school has operated for at least three years and has not been identified as having inadequate performance as provided in ~~G.S. 115C-218.95(b).~~G.S.115C-218.95(b) and has been in financial compliance as required by the State Board of Education.

(4) Expand to offer one grade higher or lower than the charter school currently offers if the charter school meets all of the following criteria:

a. The charter school's student academic outcomes for the year prior to the expansion must have been at least comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.

b. The charter school has provided financially sound audits for the year prior to the expansion.

c. The charter school is in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

d. The charter school has been in operation for less than three years.

The charter school shall provide documentation of the requirements of this subdivision to the State Board of Education. The charter school shall be permitted to expand to offer the higher or lower grade unless the State Board

of Education finds that the charter school has failed to meet the requirements of this subdivision or other exceptional circumstances exist which justify not permitting the grade expansion."

SECTION 5.(a) G.S. 115C-218.15 reads as rewritten:

"**§ 115C-218.15. Charter school operation.**

(a) A charter school that is approved by the State shall be a public school within the local school administrative unit in which it is located. All charter schools shall be accountable to the State Board for ensuring compliance with applicable laws and the provisions of their charters.

(b) A charter school shall be operated by a private nonprofit corporation that shall have received federal tax-exempt status no later than 24 months following final approval of the application. The board of directors of the charter schools shall adopt a conflict of interest and anti-nepotism policy that includes, at a minimum, the following:

(1) The requirements of Chapter 55A of the General Statutes related to conflicts of interest.

(2) A requirement that before any immediate family, as defined in G.S. 115C-12.2, of any member of the board of directors or a charter school employee with supervisory authority shall be employed or engaged as an employee, independent contractor, or otherwise by the board of directors in any capacity, such proposed employment or engagement shall be (i) disclosed to the board of directors and (ii) approved by the board of directors in a duly called open session meeting. The burden of disclosure of such a conflict of interest shall be on the applicable board member or employee with supervisory authority.

(c) A charter school shall operate under the written charter signed by the State Board and the applicant. A charter school is not required to enter into any other contract. The charter shall incorporate the information provided in the application, as modified during the charter approval process, and any terms and conditions imposed on the charter school by the State Board of Education. No other terms may be imposed on the charter school as a condition for receipt of local funds.

(d) The board of directors of the charter school shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures."

SECTION 5.(b) G.S. 115C-47 is amended by adding a new subdivision to read:

"(17a) To adopt anti-nepotism policies. – Local boards of education shall adopt policies requiring that before any immediate family, as defined in G.S. 115C-12.2, of any board of education member or central office staff administrator, including directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, or principals, shall be employed or engaged as an employee, independent contractor, or otherwise by the board of education in any capacity, such proposed employment or engagement shall be (i) disclosed to the board of education and (ii) approved by the board of education in a duly called open session meeting. The burden of disclosure of such a conflict of interest shall be on the applicable board member or central office staff administrator."

SECTION 6. G.S. 115C-426(c) reads as rewritten:

"**§ 115C-426. Uniform budget format.**

...

(c) The uniform budget format shall require the following funds:

(1) The State Public School Fund.

(2) The local current expense fund.

(3) The capital outlay fund.

In addition, other funds may be used to account for reimbursements, including indirect costs, fees for actual costs, tuition, ~~sales tax revenues distributed using the ad valorem method pursuant to G.S. 105-472(b)(2), sales tax refunds, gifts and grants restricted as to use, trust funds,~~ if necessary to comply with a requirement by a donor of a gift or grant that the local school administrative unit use a separate fund to account for those funds, federal appropriations made directly to local school administrative units, and funds received for prekindergarten programs. In addition, the appropriation or use of fund balance or interest income by a local school administrative unit shall not be construed as a local current expense appropriation included as a part of the local current expense fund.

Each local school administrative unit shall maintain those funds shown in the uniform budget format that are applicable to its operations."

SECTION 7. By September 15, 2015, upon written recommendations made by the Charter Schools Advisory Board, the State Board of Education shall amend the process and rules for replication of high-quality charter schools established in North Carolina State Board of Education Policy TCS-U-016 (Fast Track Replication of High Quality Charter Schools) to authorize consideration for fast track replication of a charter application from a board of directors of a North Carolina nonprofit corporation who agrees to contract with an education management organization or charter management organization currently operating a charter school or schools in the State, regardless of whether the board of directors has previously contracted with that education management organization or charter management organization. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by November 15, 2015, on the amendment to the process and rules for charter school replication as required by this section.

SECTION 8. This act is effective when it becomes law. Sections 2, 3, 4, 5, and 6 of this act apply beginning with the 2015-2016 school year.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 456: Charter School Modifications

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sen. Tillman	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition S456-CSTC-30		

SUMMARY: Senate Bill 456 makes various changes to the charter school laws.

The Proposed Committee Substitute (PCS) for SB 456 would do the following: (i) require the Charter School Advisory Board (Advisory Board) to provide written comments on proposed SBE rule and guidance changes on charter schools; (ii) allow members of the board of directors of a charter school to be residents of other states; (iii) increase the minimum number of students at a charter school; (iv) direct the SBE to renew charters for 10 years unless specific factors apply and direct the SBE to approve a request for increase of enrollment by up to 20% unless specific factors apply; (v) direct board of directors of charters schools to adopt anti-nepotism policies (vi) restrict local school administrative units from use of other funds for certain purposes under the Uniform Budget Format; and (vii) provide that in the high-quality replication process adopted by the SBE, nonprofit corporations can contract with organizations currently contracted to operate charter schools in the State with which the nonprofit has not previously contracted.

SECTION 1

CURRENT LAW: The Advisory Board must make recommendations to the SBE on the adoption of rules regarding all aspects of charters schools.

BILL ANALYSIS: The PCS would direct the SBE to submit all proposed rules and guidance related to charter schools to the Advisory Board which must, within 45 days, give written comments and recommendations back to the SBE. The SBE is prohibited from adopting any proposed rules or guidance related to charter schools until the 45 day time period has passed.

SECTION 2

BILL ANALYSIS: The PCS would provide that the board of directors of a charter school may include members who are not residents of the State, but the SBE may require by rule that a majority of the board of directors must reside in the State.

SECTION 3

CURRENT LAW: Charter schools must serve at least 65 students unless the application for the charter contains a compelling reason such as the school would serve a geographically remote and small student population.

BILL ANALYSIS: Charter schools would have to serve at least 80 students unless the application for the charter contains a compelling reason such as the school would serve a geographically remote and small student population.

SECTION 4

CURRENT LAW: The SBE may grant an initial charter for a period of not more than 10 years. The SBE may renew the charter for 10 years if requested but the renewal may be for less than 10 years if any one of the following applies:

- The charter school has not provided financially sound audits for the prior 3 years.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- The charter school's student academic outcomes for the past 3 years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.
- The charter school is not in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

Enrollment growth of greater than 20% is considered a material revision and must be approved by the SBE. The SBE may approve this enrollment growth only if all of the following are found by the SBE:

- The actual enrollment of the charter school is within 10% of its maximum authorized enrollment.
- The charter school has commitments for 90% of the requested maximum growth.
- The charter school is not currently identified as low-performing.
- The charter school meets generally accepted standards of fiscal management.
- It is otherwise appropriate to approve the enrollment growth.

Prior approval of the SBE is not required for a charter to increase its enrollment during its second year of operation and annually thereafter by up to 20% of the school's previous year's enrollment as this is not considered a material revision.

BILL ANALYSIS: The SBE must renew the charter for 10 years if requested unless one of the current criteria set forth in the law apply with the following modification:

- The charter school is not, **at the time of the application for renewal**, in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

The SBE must grant approval for a material revision of a charter for a charter school to increase its enrollment during its second year of operation and annually thereafter by up to 20% of the school's previous year's enrollment unless one of the following applies:

- The charter school has been notified by the SBE in the previous year on its failure to meet requirements on student performance contained in the charter or failure to meet generally accepted standards of fiscal management.
- The charter school is not in compliance with State law, federal law, the school's own bylaws, or the provisions in its charter.

SECTION 5(a)

CURRENT LAW: Under Policy TCS-U-006, the SBE requires charter schools to have policies that employee of the charter school cannot be immediate family to any member of the board of directors. "Immediate family" is defined as it is in G.S. 115C-12.2 which states immediate family means "spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships".

BILL ANALYSIS: Section 5(a) would require the board of directors of a charter school to adopt a conflict and anti-nepotism policy that includes the requirements of Chapter 55A of the General Statutes which relates to general conflicts of interest and a provision that requires that before an immediate family member of a member of the board of directors or supervising employee is hired or engaged as an independent contractor, the information must be disclosed to the board of directors and approved in an open session meeting. The burden of any disclosures of such conflicts is on the board member or current supervising employee.

SECTION 5(b)

BILL ANALYSIS: Section 5(b) would require local board of education to adopt policies that require that before immediate family members (as defined in G.S. 115C-12.2) of members of the local board or central office administrators, are hired or engaged as an independent contractor, the information must be disclosed to

the local board and approved in an open session meeting. The burden of any disclosures of such conflicts is on the board member or administrator.

SECTION 6

CURRENT LAW: The Uniform Budget Format allows local school administrative units (LEAs) to have other funds to account for reimbursements, fees for actual costs, tuition, sales tax revenues distributed through ad valorem taxes, sales tax refunds, gifts and grants restricted as to use, trust funds, federal appropriations made to LEAs and funds for prekindgarten programs.

BILL ANALYSIS: The PCS for SB 546 would prohibit LEAs from using other funds to account for sales tax revenues distributed through ad valorem taxes, sales tax refunds, gifts and grants restricted as to use and trust funds. LEAs would be authorized to use other funds when necessary to comply with a requirement by a donor of a gift or grant that the LEA use a separate fund to account for those funds.

SECTION 7

CURRENT LAW: State Board of Education Policy TCS-U-016 (Fast Track Replication of High Quality Charter Schools) creates a process for nonprofits currently holding charters in North Carolina to apply for additional charters replicating the existing school (or schools) and its successful educational model. A majority of the members comprising the nonprofit board must be North Carolina residents. The nonprofit must demonstrate that the current school has a consistent track record of success both financially and academically, including the following in the three years preceding the application:

- The existing charter must have student proficiency exceeding the average proficiency of the State and District for grade levels offered by the charter school that have an End-of-Grade or End-of-Course test.
- If the existing charters targets at-risk, high-needs students, the student proficiency must exceed the District and State performance on subgroup targets for Exceptional Children, Economically Disadvantaged, and Limited English Proficient students or those subgroups represented by the school.
- The charter school must meet student growth consistent with State formulas.
- The charter school must have unqualified audits without fiscal compliance issues.
- The charter school must not have had any warning letters issued by the Department of Public Instruction.

BILL ANALYSIS: By September 15, 2015, the SBE must amend the process and rules for the policy addressing the replication of high-quality charter schools upon written recommendation of the Advisory Board. The process and rules must authorize consideration for fast track replication of a charter application from a board of directors of a North Carolina nonprofit corporation which agrees to contract with an education management organization or charter management organization currently operating in the State regardless of whether that board of directors has previously contracted with that education management organization or charter management organization. The SBE must report to the Joint Legislative Education Oversight Committee by November 15, 2015 on the amendment process and rules for charter replication that is required by this section of the PCS.

EFFECTIVE DATE: The bill would become effective when it becomes law and sections 2, 3, 4, 5, and 6 of the bill apply beginning with the 2015-2015 school year.

SENATE BILL 561
Education/Higher Education Committee Substitute Adopted 4/28/15

Short Title: Career and College Ready Graduates. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT STUDENTS WHO COMPLETE HIGH SCHOOL ARE CAREER AND COLLEGE READY.

Whereas, a study by the Community College Research Center at Columbia University found that students who enter college underprepared and requiring remediation are much less likely to graduate than those who test at college-ready levels and that students who enter college underprepared and requiring remediation frequently do not enroll in classes of any kind; and

Whereas, of those students in 2013 who graduated from high school and immediately enrolled in a North Carolina community college, 52% were required to take one or more remedial courses at the community college, including 41% who were required to take a remedial math course, and 36% who were required to take a remedial reading and English course; and

Whereas, reducing the need for remediation reduces the impact that being underprepared has on students who are dependent on financial aid and helps remove barriers to completion of college programs; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Community Colleges, in consultation with the State Board of Education (Boards), shall develop a program for implementation in the 2016-2017 school year that introduces the college developmental mathematics and developmental reading and English curriculums in the high school senior year and provide opportunities for college remediation for students prior to high school graduation through cooperation with community college partners. The program shall require the following:

(1) Establishment by the State Board of Community College of measures for determining student readiness and preparation for college coursework by using ACT scores, student grade point averages, or other measures currently used by the State Board of Community Colleges to determine college readiness for entering students.

(2) Changes in curriculum, policy, and rules as needed by the State Board of Community Colleges and State Board of Education to make remedial courses mandatory for students who do not meet readiness indicators by their junior year to ensure college readiness prior to high school graduation. These changes shall include the flexibility for students to fulfill senior mathematics and English graduation requirements through enrollment in mandatory remedial courses or to enroll in those courses as electives.

(3) Revisions to current direct instruction remediation modules used by the North Carolina community colleges by the State Board of Community Colleges, in cooperation with the State Board of Education, to provide remedial education to high school students.

(4) Determinations by the State Board of Community Colleges on the following:

a. Appropriate measures of successful completion of the remedial courses to ensure students are prepared for coursework at a North Carolina community college without need for further remediation in mathematics or reading and English.

b. The length of time following high school graduation in which a student who successfully completed high school remedial courses will not be required to enroll in developmental courses at a North Carolina community college.

(5) Policies established by the State Board of Community Colleges and State Board of Education for delivery of college remediation instruction in high schools. The policies shall include the following requirements:

a. Faculty from the partner community college will provide training and oversight for high school faculty who will serve as facilitators for high school students enrolled in the remedial courses.

b. Faculty from the partner community college will make regular site visits to provide assistance to students and high school faculty with the remedial courses.

c. Partner high schools shall identify and assign appropriate faculty to the remedial course. Assigned faculty shall be trained by partner community college faculty prior to the start of the school year or semester in which the faculty will facilitate the remedial course.

d. Partner high schools shall provide appropriate technology resources for delivery of the remedial course modules.

The Boards shall report on progress of implementation of the program, including the above requirements, statewide to the Joint Legislative Education Oversight Committee no later than January 15, 2016.

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

SENATE BILL 561:
Career and College Reach HS Graduates

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sens. Barefoot, Rucho	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition S561-CSTC-21		

SUMMARY: ***SB 561 would require the State Board of Community Colleges (SBCC) to review programs for college remediation of students prior to high school graduation through cooperation with higher education partners and develop and report on a plan for such a program to the Joint Legislative Education Oversight Committee.***

The PCS for SB 561 would require the SBCC to develop a program providing community college remediation to high school seniors beginning with the 2016-2017 school year.

BILL ANALYSIS: The PCS for SB 561 would require the SBCC, in consultation with the State Board of Education (SBE), to develop a program of community college developmental courses in (1) mathematics and (2) reading and English in the high school senior year through cooperation with community college partners. The program would be required to include:

(1) Measures established by the SBCC to determine student readiness and preparation for college coursework by using ACT scores, student grade point averages, or other measures used by the SBCC to determine college readiness for entering students.

(2) Changes in curriculum, policy, and rules needed by the SBCC and SBE to make remedial courses mandatory for students who do not meet readiness indicators by their junior year. The changes would be required to include flexibility for students to fulfill senior mathematics and English graduation requirements through enrollment in mandatory remedial courses or to enroll in those courses as electives.

(3) Revisions to current direct instruction remediation modules used by the North Carolina community colleges by the SBCC, in cooperation with the SBE, to provide remedial education to high school students.

(4) Determinations by the SBCC on the appropriate measures of successful completion of the remedial courses and length of time following high school graduation in which a student who successfully completed remediation would not be required to enroll in developmental courses at a North Carolina community college.

(5) Policies established by the SBCC and SBE for delivery of college remediation instruction in high schools, including the following:

a. Faculty from partner community colleges will provide training and oversight for high school faculty who facilitate remedial courses for high school students.

b. Faculty from partner community college will make regular site visits to provide assistance to students and high school faculty with the remedial courses.

c. Partner high schools will identify and assign appropriate faculty to the remedial course, who will be trained by partner community college faculty prior to the start

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of the school year or semester in which the faculty will facilitate the remedial course.

d. Partner high schools will provide appropriate technology resources for delivery of the remedial course modules.

The program would be implemented beginning with the 2016-2017 school year. The SBCC and SBE would report on statewide implementation progress to the Joint Legislative Education Oversight Committee no later than January 15, 2016.

EFFECTIVE DATE: The PCS for SB 561 would become effective when it becomes law.

SENATE BILL 95

Short Title:	Performance-Based RIF/School Policy.	(Public)
Sponsors:	Senators Barefoot, Soucek (Primary Sponsors); Krawiec, Rabin, Sanderson, and Smith-Ingram.	
Referred to:	Rules and Operations of the Senate.	

February 23, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT LOCAL BOARDS OF EDUCATION ADOPT PERFORMANCE-BASED REDUCTION IN FORCE POLICIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-325.4 is amended by adding a new subsection to read:

"(c) Local boards of education shall adopt a policy for implementing a reduction in force pursuant to subdivision (a)(15) of this section that includes the following criteria:

(1) In determining which positions shall be subject to a reduction, a local school administrative unit shall consider the following:

a. Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student or other demands for curriculum, programs, operations, or other services.

b. Organizational considerations, such as anticipated organizational needs of the school system and program or school enrollment.

(2) In identifying which teachers in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the policy, a local school administrative unit shall consider work performance and teacher evaluations."

SECTION 2. G.S. 115C-325(e)(2) reads as rewritten:

"(2) Reduction in Force. –

a. A local board of education shall adopt a policy for implementing a reduction in force pursuant to sub-subdivision (e)(1)l. of this section that includes the following criteria:

1. In determining which positions shall be subject to a reduction, a local school administrative unit shall consider the following:

I. Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and position inefficiencies; (iii) opportunities for combined work functions; and (iv) decreased student

or other demands for curriculum, programs, operations, or other services.

II. Organizational considerations, such as anticipated organizational needs of the school system and program or school enrollment.

2. In identifying which teachers in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the policy, a local school administrative unit shall consider work performance and teacher evaluations.

b. Before recommending to a board the dismissal or demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the superintendent shall give written notice to the career employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his or her recommendation the grounds upon which he or she believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the career employee within 15 days after receipt of the notice requests a review, he or she shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career employee may file with the superintendent a written request for a hearing before the board within 10 days. If the career employee requests a hearing before the board, the hearing procedures provided in G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his or her recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit a hearing by a hearing officer shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l.

When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l., above, his or her name shall be placed on a list of available career employees to be maintained by the board."

SECTION 3. Effective June 30, 2018, G.S. 115C-325(e)(2), as amended by this act, is repealed.

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

SENATE BILL 95:
Performance-Based RIF/School Policy

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sens. Barefoot, Soucek	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Counsel
Analysis of:	First Edition		

SUMMARY: ***Senate Bill 95 would direct local boards of education (local boards) to adopt performance based reduction in force policies.***

CURRENT LAW: Both career teachers and teaches during the terms of their contract can be dismissed for one of 15 reasons stated in both G.S. 115C-325(e)(1) and G.S. 115C-325.4 including a "justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding". For career teachers, written notice must be given to them before the superintendent recommends dismissal under reduction in force to the local board and they can request a hearing before the local board. If a career teacher is dismissed because of reduction in force, the teacher's name must be placed on a list of available career employees maintained by the local board.

Section 7.23 of S.L. 2011-145 directed local boards of education to adopt reduction in force policies that included the information in this bill by July 15, 2011. This bill would codify and put that requirement in the statutes.

BILL ANALYSIS: Senate Bill 95 would direct local boards of education to policies on implementing a reduction in force for both career teachers and teachers during the terms of their contract. The policy must provide that in determining which positions would be subject to a reduction in force, the following must be considered:

- Structural considerations such as identifying positions, departments, courses, programs, operations, and other areas where there are:
  - Less essential, duplicative, or excess personnel.
  - Job responsibility and position inefficiencies.
  - Opportunities for combined work functions.
  - Decreased student or other demands for curriculum, programs, operations or other services.
- Organizational considerations such as anticipated organizational needs of the school system and program or school enrollment.

Work performance and teacher evaluations shall also be considered when there are teachers in similar positions.

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

O. Walker Reagan
Director

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SENATE BILL 524

Short Title:	Founding Principles/Graduation Requirement.	(Public)
Sponsors:	Senators Curtis, Soucek, Tillman (Primary Sponsors); Barefoot, Hise, Krawiec, McInnis, Newton, Pate, and Sanderson.	
Referred to:	Education/Higher Education.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE RIGOR OF INSTRUCTION OF THE FOUNDING PRINCIPLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-81(g) reads as rewritten:

"(g) Civic Literacy. –

(1) ~~Local boards of education~~ The State Board of Education shall require during the high school years the teaching of a semester course ~~"American History I – The Founding Principles," to include~~that includes instruction in ~~at least~~ the ~~following:~~following Founding Principles of the United States of America:

a. The Creator-endowed inalienable rights of the people.
b. Structure of government, separation of powers with checks and balances.
c. Frequent and free elections in a representative government.
d. Rule of law.
e. Equal justice under the law.
f. Private property rights.
g. Federalism.
h. Due process.
i. Individual rights as set forth in the Bill of Rights.
j. Individual responsibility.
k. Constitutional limitations on government power to tax and spend and prompt payment of public debt.
l. Money with intrinsic value.
m. Strong defense and supremacy of civil authority over military.
n. Peace, commerce, and honest friendship with all nations, entangling alliances with none.
o. Eternal vigilance by "We the People."

A passing grade in the course shall be required for graduation from high school.

(2), (3) Repealed by Session Laws 2011-273, s. 2, effective June 23, 2011, and applicable beginning with the 2014-2015 school year.

(3a) Local boards of education shall allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event, excerpts or portions of writings, documents, and records

that reflect the history of the United States, including, but not limited to, (i) the preamble to the North Carolina Constitution, (ii) the Declaration of Independence, (iii) the United States Constitution, (iv) the Mayflower Compact, (v) the national motto, (vi) the National Anthem, (vii) the Pledge of Allegiance, (viii) the writings, speeches, documents, and proclamations of the founding fathers and Presidents of the United States, (ix) decisions of the Supreme Court of the United States, and (x) acts of the Congress of the United States, including the published text of the Congressional Record. Local boards, superintendents, principals, and supervisors shall not allow content-based censorship of American history in the public schools of this State, including religious references in these writings, documents, and records. Local boards and professional school personnel may develop curricula and use materials that are limited to specified topics provided the curricula and materials are aligned with the standard course of study or are grade level appropriate.

(3b) A local school administrative unit may display on real property controlled by that local school administrative unit documents and objects of historical significance that have formed and influenced the United States legal or governmental system and that exemplify the development of the rule of law, such as the Magna Carta, the Mecklenburg Declaration, the Ten Commandments, the Justinian Code, and documents set out in subdivision (3a) of this subsection. This display may include, but shall not be limited to, documents that contain words associated with a religion; provided however, no display shall seek to establish or promote religion or to persuade any person to embrace a particular religion, denomination of a religion, or other philosophy. The display of a document containing words associated with a religion shall be in the same manner and appearance generally as other documents and objects displayed and shall not be presented or displayed in any fashion that results in calling attention to it apart from the other displayed documents and objects. The display also shall be accompanied by a prominent sign quoting the First Amendment of the United States Constitution as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

(4) The State Board of Education shall require that any high school level curriculum-based tests for the course required in subdivision (1) of this subsection developed and administered statewide beginning with the ~~2014-2015~~2015-2016 academic year include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(5) The Department of Public Instruction and the local boards of education, as appropriate, shall provide or cause to be provided curriculum content for the semester course required in subdivision (1) of this subsection and teacher training to ensure that the intent and provisions of this subsection are carried out. The curriculum content established shall include a review of the contributions made by Americans of all races.

(6) The Department of Public Instruction shall submit a biennial report by October 15 of each odd-numbered year to the Joint Legislative Education Oversight Committee covering the implementation of this subsection."

SECTION 2. This act is effective when it becomes law and applies beginning with students entering the ninth grade in the 2015-2016 school year.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 524: Founding Principles/Graduation Requirement

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sens. Curtis, Soucek, Tillman	**Prepared by:**	Denise Adams Legislative Analyst
Analysis of:	First Edition		

SUMMARY: Senate Bill 524 would make changes to the Founding Principles Act.

CURRENT LAW: In 2011, the General Assembly passed House Bill 588 (S.L. 2011-273), The Founding Principles Act, which changed the previous statutory requirements of civic literacy under the Basic Education Program. Beginning with the 2014-2015 school year, the Founding Principles Act requires "during the high school years the teaching of a semester course 'American History I – The Founding Principles,'" and specifies the course must include instruction in the following Founding Principles:

a. The Creator-endowed inalienable rights of the people.
b. Structure of government, separation of powers with checks and balances.
c. Frequent and free elections in a representative government.
d. Rule of law.
e. Equal justice under the law.
f. Private property rights.
g. Federalism.
h. Due process.
i. Individual rights as set forth in the Bill of Rights.
j. Individual responsibility.

A passing grade in this course is required for graduation from high school.

The State Board of Education (SBE) is directed to require that any high school level curriculum-based tests for this course that are developed and administered statewide beginning with the 2014-2015 school year include questions related to the founding principles.

BILL ANALYSIS: Senate Bill 524 would make the following changes to the Founding Principles Act:

1. Directs the SBE, rather than local boards, to require a course on the founding principles is taught in high schools.

2. Removes the name of the required course, "American History I – The Founding Principles" from statute.

3. Specifies additional instruction that must be taught in the required course, as follows:

k. Constitutional limitations on government power to tax and spend and prompt payment of public debt.
l. Money with intrinsic value.

O. Walker Reagan
Director

S524-SMTB-22 E1 -V4

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m. Strong defense and supremacy of civil authority over military.
n. Peace, commerce, and honest friendship with all nations, entangling alliances with none.
o. Eternal vigilance by "We the People."

4. Makes a clarifying change to the statute on the curriculum-based statewide tests to clarify the statute is referring to tests associated with this required course.

5. Makes a conforming change to the school year in which the required curriculum-based statewide tests would start to align with the effective date of this bill.

EFFECTIVE DATE: This bill would be effective when it becomes law and applies beginning with the 2015-2016 school year.

SENATE BILL 97*
Education/Higher Education Committee Substitute Adopted 4/28/15

Short Title: State Advisory Council on Indian Education. (Public)

Sponsors:

Referred to:

February 23, 2015

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-210.1 reads as rewritten:

"**§ 115C-210.1. Membership – How appointed.**

(a) The Council shall consist of 15 members, as follows:

(1) Two legislative members appointed as follows:

a. ~~(one senator~~One member appointed by the President Pro Tempore of the ~~Senate and one representative~~Senate.

b. One member appointed by the Speaker of the ~~House);~~House of Representatives.

(2) Two American Indian members from higher ~~education to be appointed by the Board of Governors of the University system;~~education, who are preferably faculty members. The Board of Governors of The University of North Carolina and the State Board of Community Colleges shall each appoint a member.

(3) One American Indian member from the North Carolina Commission on Indian Affairs to be appointed by that ~~Commission;~~Commission.

(4) ~~Eight~~Five American Indian parents of students enrolled in K-12 public ~~schools and~~schools, including charter schools.

(4a) ~~two~~Five American Indian ~~educators from public elementary/secondary schools~~ K-12 public school educators, one member who shall be a Title VII director or coordinator, to be appointed by the State Board of Education from a list of recommendations submitted by the North Carolina Commission on Indian ~~Affairs;~~Affairs. For the purposes of this subdivision, a K-12 educator may be a school administrator, classroom teacher, resource teacher, or school counselor. A member appointed pursuant to this subdivision must hold a current North Carolina professional educator license.

~~(5) Indian members of the Council shall be broadly representative of North Carolina Indian tribes and organizations, specifically, the Eastern Band of Cherokee, Lumbee, Coharie, Waccamaw Siouan, Haliwa Saponi, Meherrin, Person County Indians, Cumberland County Association for Indian People, the Guilford Native American Association, the Metrolina Native American~~

~~Association, and any other Indian tribe gaining State recognition in the future.~~

(b) American Indian members of the Council shall be broadly representative of North Carolina Indian tribes and organizations, North Carolina State-recognized tribes and organizations (Coharie Tribe, Eastern Band of the Cherokee Nation, Haliwa-Saponi Indian Tribe, Lumbee Tribe of North Carolina, Meherrin Indian Tribe, Occaneechi Band of the Saponi Nation, Sappony, Waccamaw Siouan Tribe, Cumberland County Association for Indian People, Guilford Native American Association, Metrolina Native American Association, Triangle Native American Society, and any other Indian tribe gaining State recognition in the future), and parents and educators from tribes recognized by the United States Department of the Interior, Bureau of Indian Affairs."

SECTION 2. Notwithstanding G.S. 115C-210.1, as amended by this act, the current members serving on the State Advisory Council on Indian Education as of the effective date of this act shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a term, members on the Council shall be appointed in accordance with G.S. 115C-210.1, as amended by this act.

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

SENATE BILL 97:
State Advisory Council on Indian Ed

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sen. J. Davis	**Prepared by:**	Drupti Chauhan and James Ritter Committee Counsel
Analysis of:	PCS to First Edition S97-CSTW		

SUMMARY: ***Senate Bill 97 changes the composition of the State Advisory Council on Indian Education, with current members serving the remainder of their terms.***

The PCS for Senate Bill 97 would specify that NC state-recognized tribes and organizations and tribes and organizations recognized by the United States Department of the Interior (USDI), Bureau of Indian Affairs must be represented on the State Advisory Council on Indian Education.

[As introduced, this bill was identical to H522, as introduced by Reps. C. Graham, Pierce, Steinburg, Waddell, which is currently in Rules, Calendar, and Operations of the House.]

CURRENT LAW:

Under G.S. 115C-210.1, the 15 members of the State Advisory Council on Indian Education (Council) are appointed as follows:

- Two legislative members (one from the Senate appointed by the President Pro Tempore, and one from the House of Representatives appointed by the Speaker).
- Two Indian members from higher education appointed by the Board of Governors of The University of North Carolina.
- One Indian member from the North Carolina Commission on Indian Affairs appointed by that Commission.
- Eight Indian parents of students enrolled in the public schools.
- Two Indian educators from the public schools appointed by the State Board of Education (SBE) from a list submitted by the NC Commission on Indian Affairs.

Under current law the Council should broadly represent North Carolina Indian tribes and organizations and any other tribe gaining State recognition in the future.

BILL ANALYSIS:

The PCS for SB 97 would make changes to the composition of the Council as follows:

- Would direct the Board of Governors of The University of North Carolina and the State Board of Community Colleges to each appoint an American Indian member from higher education, preferably faculty members.
- Would reduce the number of American Indian parents from eight to five, and clarifies that appointed parents must be of students enrolled in the K-12 public schools, including charter schools.
- Would increase the number of American Indian K-12 public school educators from two to five and requires one member be a Title IV director or coordinator. The PCS defines a K-12 educator to include a school administrator, classroom teacher, resource teacher, or school counselor. The

PCS also requires that the appointed educators must have a current North Carolina educator's license.

- Would provide that members on the Council must be broadly representative of North Carolina's state-recognized tribes and organizations and those recognized by the USDI, Bureau of Indian Affairs.

Members currently serving on the Council are to serve out the remainder of their terms and when a vacancy occurs a new member will be appointed under the changes set forth in this PCS. The PCS also clarifies references to "Indian" as someone that is an "American Indian".

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

BACKGROUND: In 1988, the SBE adopted an Indian education policy to provide a process for identifying issues pertaining to the education of American Indian students in grades K–12. In the same year, the N.C. General Assembly enacted Article 13A (NCGS § 115C-210 et seq) to establish a fifteen member State Advisory Council on Indian Education to serve as the mechanism for advocating on the behalf of American Indian students. Membership consists of American Indian parents and educators, legislative members from the N.C. Senate and House of Representatives, representatives appointed by the UNC Board of Governors, and the North Carolina Commission of Indian Affairs.

The Council serves a vital role in advising the SBE on issues pertaining to the education of American Indian students. More specifically, the Council is charged with the following duties:

- To advise the SBE on effective educational practices for American Indian students.
- To explore programs that raise academic achievement and reduces the dropout rate among American Indian students.
- To advise the SBE and the Department of Public Instruction on ways to improve coordination and communication for the benefit of American Indian students affected by state and federal programs administered at the state level.
- To prepare and present an annual report to the SBE, tribal organizations, and to conferees at the annual North Carolina Indian Unity Conference.
- To advise the SBE on any other aspect of American Indian education when requested by the SBE, educators, parents, students, business leaders, and other constituents.

SENATE BILL 478
Education/Higher Education Committee Substitute Adopted 4/28/15

Short Title: In-State Tuition For Certain Vets/Fed Prog. (Public)

Sponsors:

Referred to:

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE CERTAIN VETERANS AND OTHER INDIVIDUALS ENTITLED TO FEDERAL EDUCATIONAL BENEFITS UNDER 38 U.S.C. CHAPTER 30 OR 38 U.S.C. CHAPTER 33 WHO ENROLL IN ANY OF THE STATE'S PUBLIC INSTITUTIONS OF HIGHER EDUCATION ELIGIBLE FOR IN-STATE TUITION BY WAIVING THE TWELVE-MONTH STATE RESIDENCY REQUIREMENT AND TO REPEAL THE REQUIREMENTS REGARDING THE YELLOW RIBBON PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33.**

(a) Definitions. – The following definitions apply in this section:

(1) Abode. – Has the same meaning as G.S. 116-143.3(a)(1).

(2) Armed Forces. – Has the same meaning as G.S. 116-143.3(a)(2).

(3) Veteran. – A person who served active duty for not less than 90 days in the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration and who was discharged or released from such service under conditions other than dishonorable.

(b) Waiver of 12-Month Residency Requirement for Veteran. – Any veteran who qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) is eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment without satisfying the 12-month residency requirement under G.S. 116-143.1, provided the veteran meets all of the following criteria:

(1) The veteran applies for admission to the institution of higher education and enrolls within three years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.

(2) The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as administered by the U.S. Department of Veterans Affairs.

(3) The veteran's abode is North Carolina.

(4) The veteran provides the institution of higher education at which the veteran intends to enroll a letter of intent to establish residence in North Carolina.

(c) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33. – Any person who is entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment without satisfying the 12-month residency requirement under G.S. 116-143.1, if the person meets all of the following criteria:

(1) The person qualifies for admission to the institution of higher education as defined in G.S. 116-143.1(a)(3) and enrolls in the institution of higher education within three years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.

(2) The person is the recipient of federal educational benefits pursuant to 38 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as administered by the U.S. Department of Veterans Affairs.

(3) The person's abode is North Carolina.

(4) The person provides the institution of higher education at which the person intends to enroll a letter of intent to establish residence in North Carolina.

(d) Eligibility While Continuously Enrolled at the Same Institution of Higher Education. – After enrollment in an institution of higher education, any veteran entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other individual entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who is eligible for in-State tuition under this section shall continue to be eligible for the in-State tuition rate so long as the covered individual remains continuously enrolled (other than during regularly scheduled breaks between courses, quarters, terms, or semesters) at that institution of higher education."

SECTION 2. G.S. 116-143.8 is repealed.

SECTION 3. This act becomes effective July 1, 2015, and applies to qualifying veterans and other individuals entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who are enrolled or who enroll in institutions of higher education for any academic quarter, term, or semester that begins on or after that date.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 478: In-State Tuition For Certain Vets/Fed Prog

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	**Date:**	April 28, 2015
Introduced by:	Sens. Brown, Rabon, Sanderson	**Prepared by:**	Denise Adams and Emily Johnson Legislative Analysts
Analysis of:	PCS to First Edition S478-CSLH-2		

SUMMARY: ***Senate Bill 478 would (i) make certain veterans and other individuals entitled to federal education benefits under the Montgomery GI Bill Active Duty Education Program or the Post-9/11 Educational Assistance Program eligible for in-state tuition by waiving the 12-month residency requirement and (ii) appropriate funds to implement the provisions of this act.***

The PCS to Senate Bill 478 deletes (i) those provisions that appropriated funds to help with the cost of implementing the program and (ii) those provisions that kept the funds appropriated for the 2014-2015 fiscal year and held in reserve for the Yellow Ribbon Program from reverting.

CURRENT LAW and BACKGROUND: Under current law, any active duty member of the Armed Forces who qualifies for admission to the UNC system or a community college, but does not qualify as a resident for in-state tuition purposes, is eligible to be charged in-State tuition while stationed in North Carolina. If the member is reassigned outside of the State, the member continues to be eligible for in-State tuition as long as the member is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned.

In 2011, Congress reduced Post-9/11 GI Bill benefits for non-resident students attending public universities. Most students paying non-resident tuition rates experienced an increased "tuition gap" – the difference between GI Bill benefits and actual tuition charges.

In the 2014 Appropriations Act, the General Assembly authorized, beginning with the 2015-2016 academic year, the Board of Governors (BOG) of The University of North Carolina (UNC), the State Board of Community Colleges (SBCC), any of the UNC constituent institutions or any of the community colleges (institutions of higher education) to annually enter into agreements with the United States Secretary of Veterans Affairs (VA) to participate in the federal Yellow Ribbon Program (Program). The agreement must provide a grant of 90% of tuition and fees not otherwise covered to eligible veterans, spouses, or dependent relatives enrolled as undergraduates or in community colleges who meet requirements established by the federal government. Constituent institutions are not prohibited from using private funds to participate in the Program for graduate programs. Two reserve funds for the purpose of forward funding tuition assistance through the Program for undergraduate and community college tuition assistance were established, to be used beginning with the 2015-2016 fiscal year.

In August of 2014, Congress passed and the president signed into law P.L. 113-146, Veterans Access, Choice, and Accountability Act. Section 702 of this act requires the VA to disapprove programs of education if a covered individual is charged tuition and fees in excess of the rate for resident students.

On October 29, 2014, the VA sent a letter to all 50 Governors and requested definitive information on the states' ability to meet the requirements of Section 702. According to the VA, North Carolina formally replied by the requested deadline and indicated an intent to comply by July 1, 2015.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BILL ANALYSIS: The proposed committee substitute makes certain veterans and other individuals entitled to federal education benefits under the Montgomery GI Bill Active Duty Education Program or the Post-9/11 Educational Assistance Program eligible for in-state tuition by waiving the 12-month residency requirement if certain conditions are met.

- Provides that the 12 month residency requirement would be waived for any veteran who meets the following criteria:
  - Served active duty for at least 90 days in the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.
  - Was discharged or released under conditions other than dishonorable.
  - Qualifies for admission to the institution of higher education.
  - Enrolls within 3 years of the veteran's discharge or release.
  - Qualifies for and uses federal educational benefits under either the 38 USC Chapter 30 (Montgomery GI Bill Active Duty Education Program) or 38 USC Chapter 33 (Post -9/11 Educational Assistance).
  - The veteran's abode is North Carolina (which means the veteran actually lives in NC, whether temporarily or permanently.)
  - Provides the institution of higher education with a letter of intent to establish legal residence in North Carolina.
- Provides that the 12 month residency requirement would be waived for any other person who meets the following criteria:
  - The person is the recipient of federal educational benefits under either 38 USC Chapter 30 (Montgomery GI Bill Active Duty Education Program) or 38 USC Chapter 33 (Post -9/11 Educational Assistance).
  - The person qualifies for admission and enrolls in an institution of higher education within 3 years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration
  - The person's abode is North Carolina.
  - The person provides the institution of higher education with a letter of intent to establish legal residence in North Carolina.

Section 1 would also:

- Provide that any veteran or recipient of transferred federal educational benefits for whom the 12 month residency requirement was waived would continue to be eligible for the in-state tuition rate so long as the veteran or recipient remains continuously enrolled at that same institution of higher education.
- Repeal G.S. 116-143.8 which requires one or more constituent institutions and one or more community colleges to enter into an annual agreement to participate in the Yellow Ribbon Program.

Section 2 would deletes the provisions included in SB 478 that appropriated funds and also allowed the use of Yellow Ribbon Funds currently held in reserve to be used to assist with the cost of the waivers under the Chapter 30 and Chapter 33 federal Programs.

EFFECTIVE DATE: The PCS would become effective July 1, 2015, and would apply to qualifying veterans and other individuals entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who are enrolled or who enroll in institutions of higher education for any academic quarter, term, or semester that begins on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 593
PROPOSED COMMITTEE SUBSTITUTE S593-CSTB-17 [v.3]

4/27/2015 10:02:52 PM

Short Title: Improve Professor Teaching Opportunities/UNC. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE QUALITY OF INSTRUCTION AT THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-11.5 Duties regarding faculty teaching standards.**

(a) The Board of Governors shall adopt a policy, in accordance with this section, applicable to all constituent institutions except the North Carolina School of Science and Math and the University of North Carolina School of the Arts, that sets faculty teaching standards differentiated by the type of institution, according to Carnegie Classification institution types, and by course discipline, according to course discipline types defined by the American Academy of Arts and Sciences.

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

(1) Research Universities I: North Carolina State University and the University of North Carolina at Chapel Hill.

(2) Doctoral Universities I: East Carolina University, North Carolina Agricultural and Technical State University, the University of North Carolina at Charlotte, and the University of North Carolina at Greensboro.

(3) Masters (Comprehensive) I: Appalachian State University, Fayetteville State University, North Carolina Central University, the University of North Carolina at Pembroke, the University of North Carolina at Wilmington, and Western Carolina University.

(4) Baccalaureate I, II: Elizabeth City State University, the University of North Carolina at Asheville, and Winston-Salem State University.

(5) STEM (Science, Technology, Engineering, and Mathematics): Courses taught in the disciplines of mathematics, physical sciences, and biological sciences, as defined by the American Academy of Arts and Sciences, including courses in engineering, computer science, and health care and allied professions.

(6) Humanities and Social Sciences: Courses taught in the disciplines of humanities and social sciences, as defined by the American Academy of Arts and Sciences, including courses in business and education.

(c) The average faculty teaching load for each department at a constituent institution shall be as follows, according to the appropriate categories:

(1) Research Universities I:

a. STEM: 4.0 courses per year.
b. Humanities and Social Sciences: 5.0 courses per year.

(2) Doctoral Institutions I:
a. STEM: 5.5 courses per year
b. Humanities and Social Sciences: 6.0 courses per year.

(3) Masters Institutions I:
a. STEM: 6.0 courses per year.
b. Humanities and Social Sciences: 6.0 courses per year.

(4) Baccalaureate Institutions:
a. STEM: 8.0 courses per year.
b. Humanities and Social Sciences: 8.0 courses per year.

No department may average less than ten students per course.

(d) The salary of any full time professor who teaches less than the required number of courses shall be reduced on a pro rata basis, unless:

(1) The institution chooses to supplement the professor's salary with the proceeds of the constituent institution's endowment fund.

(2) The professor has private or federal grant funds transferred to the department in exchange for a pro rata reduction of teaching obligations.

(3) The professor is serving concurrently in an administrative position.

(e) An annual independent audit of each constituent institution shall be required to determine compliance."

SECTION 2. G.S. 116-36(b) reads as rewritten:

"(b) It is not the intent of this section that the proceeds from any endowment fund shall take the place of State appropriations or any part thereof, but it is the intent of this section that those proceeds shall supplement the State appropriations to the end that the institution may improve and increase its functions, may enlarge its areas of service, and may become more useful to a greater number of people. However, the proceeds of an endowment fund may be used to supplement the salary of a professor whose salary has been reduced pursuant to G.S. 116-11.5."

SECTION 3. This act is effective when it becomes law and applies to academic years beginning on or after July 1, 2015.

SENATE BILL 593:
Improve Professor Teaching Opportunities/UNC

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	**Date:**	April 28, 2015
Introduced by:	Sen. McInnis	**Prepared by:**	Denise Adams Legislative Analyst
Analysis of:	PCS to First Edition S593-CSTB-17		

SUMMARY: Senate Bill 593 would amend the powers and duties of the Board of Governors (BOG) of The University of North Carolina (UNC) to direct the BOG to adopt a policy that would require all professors teaching in the UNC system to teach a minimum of eight class courses per academic year, and would require an annual independent audit of each institution to determine compliance. Salaries of professors who do not meet this required threshold would be reduced on a pro rata basis, although salaries could be supplemented by the school's endowment fund.

The PCS to Senate Bill 593 would specify that the BOG's policy would have to set faculty teaching standards as determined by Carnegie Classification institution types and course disciplines as defined by the American Academy of Arts and Sciences.

CURRENT LAW and BACKGROUND: Chapter 116 of the General Statutes does not address minimum faculty teaching standards as determined by institution types and course disciplines. Current UNC Policy 400.3.4 addresses annual teaching loads, as follows:

"All campuses and constituent institutions will develop and implement policies and procedures to monitor faculty teaching loads and to approve significant or sustained variations from expected minimums. Policies must include the criteria and approval process for reductions in institutional load attendant to increased administrative responsibilities, externally-funded research, including course buy-outs, and additional institutional and departmental service obligations. Given the complexity of faculty work activities, individual faculty teaching loads are best managed at the department and school level, and not the system or state level. However, to ensure meaningful comparisons of faculty teaching load over time and across peers, all campuses shall adopt a standard methodology for collecting data on teaching load. This standard is described below…

Standard annual teaching loads will be differentiated to accommodate the diverse missions of the individual campuses. These differences will be captured by Carnegie Classification. Standard faculty teaching load measured by number of organized class courses a faculty member is assigned in a given academic year is the following:

- Research Universities I: 4
- Doctoral Universities I: 5
- Masters (Comprehensive) I: 6
- Baccalaureate (Liberal Arts) I: 8
- Baccalaureate (Liberal Arts) II: 8"

O. Walker Reagan
Director

S593-SMTB-30 CSTB-17 -V3

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

BILL ANALYSIS: Section 1 would require the BOG to adopt a policy applicable to all constituent institutions, except the North Carolina School of Science and Math and the University of North Carolina School of the Arts, that sets faculty teaching standards differentiated by the type of institution according to Carnegie Classification institution types, and by subject discipline, according to course discipline types defined by the American Academy of Arts and Sciences.

Section 1 also defines the different categories of institution types and course disciplines, specifies which constituent institutions are classified in each category of institution type, and provides that no department may average less than ten students per course.

Section 1 would require that the salary of any full time professor who teaches less than the required number of courses be reduced on a pro rata basis, unless:

- The institution chooses to supplement the professor's salary with endowment fund proceeds.
- The professor has private or federal grant funds transferred to the department in exchange for a pro rata reduction of teaching obligations.
- The professor is serving concurrently in an administrative position.

Section 1 would also require that the policy must include an annual independent audit of each constituent institution to determine compliance.

Section 2 makes a conforming change to the statute governing endowments.

EFFECTIVE DATE: This act would become effective when it becomes law and applies to academic years beginning on or after July 1, 2015.

Supporting Information for PCS to Senate Bill 593

This PCS divides subject disciplines into two broad categories: STEM and Non-STEM.

High Research Campus Category 1 is not affected.

High Research Campuses – Category 2 Non-STEM only (UNC-CH and NCSU)

Doctoral Campuses – Category 1 and Category 2 STEM and Non-STEM (ECU, NCA&T, UNCC, UNCG)

High Research Campus – UNC-CH, NCSU Category 2 only Non-STEM = 1,091 tenure/tenure track professors.

Doctoral Campuses – Category 1 (STEM) = 954 tenured/tenure track professors

Category 2 (Non-STEM) = 1,460 tenured/tenure track professors

	Current Law	PCS Requirement
Research Category 1	4	No Change
Research Category 2	4	5
Doctoral Category 1	5	5.5
Doctoral Category 2	5	6

The consequences of these rather small changes in teaching opportunities for tenure/tenure track professors are rather dramatic:

I. If UNC chooses to keep the same number of courses taught by tenured/ tenure track professors under current law, there would be 547 surplus professors. If there was a "reduction in force" of 547 professors, using the 12 cell matrix formula and a $90,000 average salary, there would be a reduction of $80 million (less tuition offset) in state appropriations.

II. If UNC choose to keep all professors and additional teaching opportunities were increased from current law to the number required by this PCS, up to 3,028 additional classes would be taught by tenured/tenure track professors instead of graduate students or adjunct professors. This should result in a significant increase in quality of instruction at the six affected campuses.

Number of Tenured or Tenure Eligible Faculty
in STEM, Biological Science, or Health Professions and Humanities, Behavioral Sciences, Business, or Education

	STEM, Biological Science, or Health Professions	Humanities, Behavioral Sciences, Business, or Education
Institution		
ASU	175	480
ECU	315	524
ECSU	28	67
FSU	58	143
NCA&T	202	183
NCCU	91	142
NCSU	824	390
UNC-A	63	101
UNC-CH	418	701
UNC-C	316	409
UNC-G	121	344
UNC-P	57	162
UNC-W	156	308
WCU	113	216
WSSU	125	143
UNC Total	3,060	4,312

This PCS divides all subject disciplines into two broad categories:

Category I. STEM - (Science, Technology, Engineering and Mathematics), Biological Sciences and Health Professionals

Category II. Non-STEM – Humanities, Behavioral Sciences, Business and Education

a are preliminary data from the Fall 2013 Delaware Study.
e faculty discipline data are collected at a less specific level than the program codes on the federal list of STEM fields, so the counts of STEM faculty are an approximation with as much specificity as the data allow.
There is a small amount of overlap between STEM fields and behavioral/social science fields (i.e., some psychology and social science disciplines are on the federal STEM list). If someone shows up in an overlapping category, they were assigned to STEM, Biological Science, or Health Professions.
UNC-GA IR/del.sr021_del_leg_ten_tentr_2cats/24APR15

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

4-28-15

Date

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Bill Rowe	NCJC
Betty Dosher	UNCC
Jen Wells	UNC CH
Kim Reid	Coastal Carolina Taxpayers Assoc
Mary Justice	Craven County GOP
Lisa Renee Haggman	Catawba Valley Community College
Jean Mayberry	Catawba Valley Community College
Susan Harrison	NCSSWA
Jon Ashley	NCPPI
Adam Ridenhour	NCASA
Fay Coore	NCPTA
Kacey Wilson	Catawba Valley Community College
Scott Vanderander	Catawba Valley Community College
Sabrina Bollick	Catawba Valley Community College
JoAnna Teague	CVCC Hickory NC
Paul Payne	CVCC Hickory

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

4-28-15

Date

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Anastasia Izvekova	College of the Albemarle
Olga Blyum	College of the Albemarle
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Robin Cox	DPI
Debra Williams	DPI
Darrell Allison	PEFNC
Carlie Garner	Guilford County BOE
Rebecca Buffington	" " "
Linda Welborn	" " "
LARRY KEEN	FAY TECH CC
NICK Bhattacharya	James Sprunt Com. College
Karen Duquette	PEFNC
Kyri Herrin	NP
PAUL NORCROSS	HIGH POINT
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VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

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Doug Dubbroad	NCSBA
Leanne Winner	NCSBA
Adam Bruegemann	OSBM
Rebecca Buffington	Guilford Co. Board of Ed
Julius O. Webb	Northeastern NC Advocacy Org. for Adv.
Dave Horn	Smith Anderson
TOM MILLER	CITIZEN ADVOCATE

09-21-201

VISITOR REGISTRATION SHEET

Ed / Higher Ed
(Committee Name)

4-28-15
Date

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Mary M. Reynolds	Catawba Valley CC
Gabriel	Catawba Valley CC
Katelyn Lambert	Catawba Valley CC
Mary Patrick	Catawba Valley Com. College
Megan Marlowe	Catawba Valley Comm. College
JOE MCCORKLE	CATAWBA VALLEY COMM. COLLEGE
Bob Mann	Catawba Valley Community College
Mary Gross	NCPL
Chreatta Alstm	NC Community College
Stephanie Hamm	Catawba Valley Community College
Linda Byrd	James Sprunt Community College
Nicole Eaglin	Charlotte Chamber
Drew Moretz	UNC GA

VISITOR REGISTRATION SHEET

Ed/ Higher Ed
(Committee Name)

4-28-15
Date

Rebecca Garland NCIDRE

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

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Tracy Sternberg	Girl Scouts - NC Coastal Pines
Cathy Stipe	Girl Scouts - NC Coastal Pines
Colleen Cochenek	Girl Scouts
Evelyn Hawthorne	ETHOR
Mary Freeman	NCAE
Scott Rolls	NC Comm College System
Landon Rogers	Pitt Community College
Jenna A. Robinson	Pope Center
Jay Schalin	Pope Center
Alora Knippe	Catawba Valley Community College
Joyce Peters	CCS
Ravanne Sain	catawba valley community college
DAVID JOHNSON	JOHNSTON CC
Shenan Lee Higgins	NCSGA ; Johnston CC
Shenina Thorb	Johnston Community College
Sherry Rawlings	Johnston Community College
Derrick Arnold	Johnston Community College
Mario Hobbs	Johnston Community College

09-22-2012

Senate Committee on Education/Higher Education
Tuesday, April 28, 2015, 5:00 PM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 400	School Access for Boy Scouts/Girl Scouts.	Senator Barringer Senator Daniel Senator Newton
SB 597	Repeal References to ABCs.	Senator Tillman Senator Soucek Senator Curtis

Adjournment

Senate Committee on Education/Higher Education
Tuesday, April 28, 2015 at 5:00 PM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 5:00 PM on April 28, 2015 in Room 544 of the Legislative Office Building. Twenty-three members were present.

Senator Dan Soucek, Chair, presided.

Chairman Soucek called the meeting to order and immediately accepted a motion to consider the proposed committee substitute (PCS) to **SB 400 - School Access for Boy Scouts/Girl Scouts. (Senators Barringer, Daniel, Newton)** from Senator Tarte.

Senator Daniel was recognized and offered an amendment. After explaining his amendment, Senator Hartsell moved to adopt the amendment and the motion passed.

Chairman Soucek then permitted Senator Daniel to continue to explain the remainder of the bill. When finished, Senator Hartsell moved for a favorable report to the PCS as amended rolled into a new PCS with a favorable report to the new PCS and an unfavorable report to the original bill. The motion passed.

Senator Apodaca was then recognized and he moved for adoption of the PCS to **SB 597 - Repeal References to ABCs. (Senators Tillman, Soucek, Curtis)** for purposes of discussion. The motion passed and Senator Tillman was recognized and explained the bill.

Chairman Soucek recognized Senator Bingham, who moved for a favorable report to the PCS with an unfavorable report to the original bill. The motion passed.

With no further business, Chairman Soucek adjourned the meeting.

The meeting adjourned at 5:57PM.

Senator Dan Soucek, Chair
Presiding

John Clark, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Tuesday, April 28, 2015

Senator Soucek,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB	**400**	Encourage Access to Boy Scouts/Girl Scouts.	
		Draft Number:	S400-PCS35280-RQ-5
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes
SB	**597**	Education Statutes Revision.	
		Draft Number:	S597-PCS15242-RQ-15
		Sequential Referral:	None
		Recommended Referral:	None
		Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Tamara Barringer will handle SB 400
Senator Jerry Tillman will handle SB 597

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 400

Short Title:	Encourage Access to Boy Scouts/Girl Scouts.	(Public)
Sponsors:	Senators Barringer, Daniel, Newton (Primary Sponsors); McInnis, Rabon, Robinson, Smith-Ingram, and Woodard.	
Referred to:	Rules and Operations of the Senate.	

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE ACCESS TO BOY SCOUTS AND GIRL SCOUTS ORGANIZATIONS FOR PUBLIC SCHOOL STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-47 is amended by adding a new subdivision to read:

"(62) To Encourage Access to Boy Scouts and Girl Scouts Organizations. – Local boards of education shall encourage schools to facilitate access for students to participate in activities provided by the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day."

SECTION 2. G.S. 115C-218.75 is amended by adding a new subsection to read:

"(d) Access to Boy Scouts and Girl Scouts Organizations. – Charter schools are encouraged to facilitate access for students to participate in activities provided by the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day."

SECTION 3. G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(13) Access to Boy Scouts and Girl Scouts organizations. – Regional schools are encouraged to facilitate access for students to participate in activities provided by the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 400
PROPOSED COMMITTEE SUBSTITUTE S400-CSRQ-5 [v.4]

4/23/2015 12:59:04 PM

Short Title: School Access for Boy Scouts/Girl Scouts. (Public)

Sponsors:

Referred to:

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE ACCESS TO BOY SCOUTS AND GIRL SCOUTS ORGANIZATIONS FOR PUBLIC SCHOOL STUDENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-206 reads as rewritten:

"§ 115C-206. State Board of Education; duties; responsibilities.

The Superintendent of Public Instruction shall prepare and present to the State Board of Education recommendations for general guidelines for encouraging increased community involvement in the public schools and use of public school facilities. These recommendations shall include, but shall not be limited to provisions for:

(1) The use of public school facilities by governmental, charitable or civic organizations for activities within the community. Local boards of education shall be directed to give priority in the use of school facilities to the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils in order to encourage schools to facilitate access for students to participate in activities provided by these groups at times other than instructional time during school day.

(2) The utilization of the talents and abilities of volunteers within the community for the enhancement of public school programs including tutoring, counseling and cultural programs and projects.

(3) Increased communications between the staff and faculty of the public schools, other community institutions and agencies, and citizens in the community.

Based on the recommendations of the Superintendent of Public Instruction, the State Board of Education shall adopt appropriate policies and guidelines for encouraging increased community involvement in the public schools and use of the public school facilities."

SECTION 2. 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. Local boards of education shall give priority in the use of school facilities to the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils in order to encourage schools to facilitate access for students to participate in activities provided by these groups at times other than instructional time during school day.

(3) Establish rules governing the implementation of such programs and plans in its public schools and submit these rules along with adopted programs and plans to the State Board of Education for approval by the State Board of Education.

Programs and plans developed by a local board of education may provide for the establishment of one or more community schools advisory councils for the public schools under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of these State funds."

SECTION 3. G.S. 115C-218.75 is amended by adding a new subsection to read:

"(d) Access to Boy Scouts and Girl Scouts Organizations. – Charter schools are encouraged to facilitate access for students to participate in activities provided by the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day."

SECTION 4. G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(13) Access to Boy Scouts and Girl Scouts organizations. – Regional schools are encouraged to facilitate access for students to participate in activities provided by the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day."

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

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 400

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

S400-ARQ-11 [v.2]

Amends Title [YES]
S400-CSRQ-5[v.4]

Date _____,2015

Senator Barringer

moves to amend the bill on page 1, lines 2-3 by rewriting the lines to read:

"AN ACT TO GIVE PRIORITY ACCESS TO CIVIC ORGANIZATIONS THAT WORK WITH STUDENTS SUCH AS THE BOY SCOUTS AND GIRLS SCOUTS."; and

On page 1, lines 11-27, by rewriting the lines to read:

"(1) The use of public school facilities by governmental, charitable or civic organizations for activities within the community.

(2) The utilization of the talents and abilities of volunteers within the community for the enhancement of public school programs including tutoring, counseling and cultural programs and projects.

(3) Increased communications between the staff and faculty of the public schools, other community institutions and agencies, and citizens in the community.

(4) Local boards of education are to be directed to give priority in the use of school facilities to any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils in order to encourage schools to facilitate access for students to participate in activities provided by these groups at times other than instructional time during the school day for the purposes of encouraging civic education.

Based on the recommendations of the Superintendent of Public Instruction, the State Board of Education shall adopt appropriate policies and guidelines for encouraging increased community involvement in the public schools and use of the public school facilities."; and

On page 1, lines 32 through page 2, line 31, by rewriting the lines to read:

"(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 plans to the State Board of Education for approval by the State Board of Education.

(4) Give priority in the use of school facilities to any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils in order to encourage schools to facilitate access for students to participate in activities provided by these groups at times other than instructional time during the school day for the purposes of encouraging civic education. If the local board of education denies priority access to a patriotic society listed in Title 36 of the United States Code, the local board shall provide reasons for the denial in writing to the requesting entity.

Programs and plans developed by a local board of education may provide for the establishment of one or more community schools advisory councils for the public schools under the board's jurisdiction and for the employment of one or more community schools coordinators. The local board of education shall establish the terms and conditions of employment for the community schools coordinators.

Every local board of education using State funds to implement a community schools program under this Article may enter into agreements with other local boards of education, agencies and institutions for the joint development of plans and programs and the joint expenditure of these State funds."; and

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 400

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

S400-ARQ-11 [v.2]

On page 2, lines 32 through 46 by rewriting those lines to read:

"**SECTION 3.** G.S. 115C-218.75 is amended by adding a new subsection to read:

"(d) Access For Youth Groups. – Charter schools are encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education."

"**SECTION 4.** G.S. 115C-238.66 is amended by adding a new subdivision to read:

"(13) Access For Youth Groups. – Regional schools are encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SENATE BILL 400:
School Access for Boy Scouts/Girl Scouts

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	April 28, 2015
Introduced by:	Sens. Barringer, Daniel, Newton	**Prepared by:**	Drupti Chauhan Committee Counsel
Analysis of:	PCS to First Edition S400-CSRQ-5		

SUMMARY: ***Senate Bill 400 directs local boards of education (local boards) to encourage schools to facilitate access for students to participate in activities provided by the Boy Scouts and Girls Scouts. The bill also encourages charter schools and regional schools to facilitate this type of access.***

The Proposed Committee Substitute (PCS) would move the provisions to Article 13 of Chapter 115C, which is the Community Schools Act, and directs local boards to give priority in the use of school facilities to the Boy Scouts and Girl Scouts.

CURRENT LAW: Under the Community Schools Act, greater community involvement in the public schools is encouraged along with greater use of public school facilities. The State Board of Education (SBE) must adopt policies and guidelines based on the recommendations of the Superintendent of Public Instruction to encourage increased community involvement in the public schools and the use of public school facilities. Local boards must then develop programs and plans for increased community use of the facilities.

Several local boards (such as the Hoke County School Board) have policies on community use of schools facilities that include scouts in a list of priority users.

BILL ANALYSIS: The PCS would move the local board provisions in Section 1 of the PCS to Article 13 of the Community Schools Act which addresses increased community involvement in public schools as well as greater community use of public school facilities. Local boards would be directed to give priority in the use of school facilities to the Boy Scouts of America and Girl Scouts of America and their affiliated groups and councils in order to encourage the schools to facilitate access for students to participate in activities provided by these groups at times other than instructional time during the school day.

Sections 3 and 4 of the PCS would encourage charter schools and regional schools to facilitate access for students to participate in activities provided by the Boy Scouts and Girl Scouts at times other than instructional time during the school day.

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

O. Walker Reagan
Director

S400-SMRQ-29 CSRQ-5 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SENATE BILL 597

Short Title:	Education Statutes Revision.	(Public)
Sponsors:	Senators Tillman, Soucek, Curtis (Primary Sponsors); and Rabin.	
Referred to:	Rules and Operations of the Senate.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING CHANGES AND REVISIONS TO VARIOUS STATUTES IN CHAPTER 115C OF THE GENERAL STATUTES TO REFLECT CURRENT PRACTICES IN EDUCATION.

The General Assembly of North Carolina enacts:

PART I. REPEAL OF ABC STATUTES

SECTION 1.1. G.S. 115C-12(30a) is repealed.

SECTION 1.2. G.S. 115C-17 is repealed.

SECTION 1.3. G.S. 115C-174.11(c)(1) reads as rewritten:

"(1) The State Board of Education shall adopt the tests for grades three through 12 that are required by federal law or as a condition of a federal grant. These tests shall be designed to measure progress toward reading, communication skills, and mathematics for grades three through eight, measure progress toward science once in grades three through five, once in grades six through eight, and once in grades 10 through 12, and toward competencies for grades nine through 12. Students who do not pass the tests adopted for eighth grade shall be provided remedial instruction in the ninth grade."

PART II. LOW-PERFORMING SCHOOLS

SECTION 2.1. G.S. 115C-105.37 reads as rewritten:

"**§ 115C-105.37. Identification ~~of~~and service for low-performing schools and local school administrative units.**

(a) The State Board of Education shall design and implement a procedure to identify and serve low-performing schools and local school administrative units on an annual basis. Low-performing schools and local school administrative units are those ~~in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.~~identified by the State Board annually.

~~(a1) By July 10 of each year, each local school administrative unit shall do a preliminary analysis of test results to determine which of its schools the State Board may identify as low-performing under this section. The superintendent then shall proceed under G.S. 115C-105.39. In addition, within 30 days of the initial identification of a school as low-performing by the local school administrative unit or the State Board, whichever occurs first, the superintendent shall submit to the local board a preliminary plan for addressing the needs of that school, including how the superintendent and other central office administrators will work with the school and monitor the school's progress. Within 30 days of its receipt of~~

~~this plan, the local board shall vote to approve, modify, or reject this plan. Before the board makes this vote, it shall make the plan available to the public, including the personnel assigned to that school and the parents and guardians of the students who are assigned to the school, and shall allow for written comments. The board shall submit the plan to the State Board within five days of the board's vote. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The local board shall consider any recommendations made by the State Board.~~

(b) ~~Each school that the State Board identifies as low-performing shall provide written notification to the parents of students attending that school. The written notification shall include a statement that the State Board of Education has found that the school has "failed to meet the minimum growth standards, as defined by the State Board, and a majority of students in the school are performing below grade level." This notification also shall include information about the plan developed under subsection (a1) of this section and a description of any additional steps the school is taking to improve student performance.~~At the direction of the State Board of Education, the Department of Public Instruction shall serve low-performing schools and local school administrative units by providing the following:

(1) An assessment of the local school administrative unit, school, or schools, as appropriate.

(2) A determination of the appropriate model for providing services, including State, local school administrative unit, or school model.

(3) A review of leadership effectiveness of the local board of education, superintendent, and principal, as appropriate.

(4) The development of a plan for improvement and monitoring of progress for the local school administrative unit, school, or schools, as appropriate.

(c) The State Board of Education shall identify continually low-performing schools on an annual basis.

(d) When the State Board of Education determines, upon sufficient evidence, that a local school administrative unit is experiencing a continued decline in academic performance and the unit lacks the demonstrated governing capabilities to operate adequately and fulfill the educational obligations of the State Board of Education and the State, the State Board may adopt an action plan that contains the necessary steps required to ensure educational opportunities for students. The action plan may include replacement of the superintendent, school personnel, including the finance officer, and any other appropriate measures. The State Board of Education is also authorized to suspend the powers of the local board of education consistent with the State Board's statutory powers and the constitutional powers and duties of the State Board under Section 5 of Article IX of the Constitution of North Carolina. Upon determination by the State Board that the exercise of one or more of the specific powers of the local board of education is more effectively performed by the State Board, the State Board may suspend those specific powers of the local board of education. The State Board shall adopt a policy to establish additional criteria for action by the State Board as it deems necessary and appropriate."

SECTION 2.2. G.S. 115C-105.37A is repealed.

SECTION 2.3. G.S. 115C-105.37B is repealed.

SECTION 2.4. G.S. 115C-105.38 is repealed.

SECTION 2.5. G.S. 115C-105.38A is repealed.

SECTION 2.6. G.S. 115C-105.39 is repealed.

SECTION 2.7. G.S. 115C-333 is repealed.

SECTION 2.8. G.S. 115C-39(b) reads as rewritten:

"(b) In the event the State Board of Education has appointed an interim superintendent ~~under G.S. 115C-105.39~~ for a local school administrative unit identified as low-performing under G.S. 115C-105.37 and the State Board determines that the local board of education has

failed to cooperate with the interim superintendent, the State Board shall have the authority to suspend any of the powers and duties of the local board and to act on its behalf under ~~G.S. 115C-105.39.~~G.S. 115C-105.37."

SECTION 2.9. G.S. 115C-105.20(b) reads as rewritten:

"(b) In order to support local boards of education and schools in the implementation of this Program, the State Board of Education shall adopt guidelines, including guidelines to:

(1) Assist local boards and schools in the development and implementation of school-based management under Part 2 of this Article.

(2) Recognize the schools that meet or exceed their goals.

(3) Identify low-performing schools under ~~G.S. 115C-105.37, and create assistance teams that the Board may assign to schools identified as low-performing under G.S. 115C-105.37. The assistance teams should consist of currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the State Board considers appropriate.~~G.S. 115C-105.37.

~~(4) Enable assistance teams to make appropriate recommendations under G.S. 115C-105.38.~~

(5) Establish a process to resolve disputes between local boards and schools in the development and implementation of school improvement plans under G.S. 115C-105.27. This process shall provide for final resolution of the disputes."

SECTION 2.10. G.S. 115C-105.33 reads as rewritten:

"**§ 115C-105.33. Safe and orderly schools.**

A school improvement team or a parent organization at a school may ask the local board of education to provide assistance in promoting or restoring safety and an orderly learning environment at a school. The school improvement team or parent organization shall file a copy of this request with the State Board. ~~If the local board fails to provide adequate assistance to the school, then the school improvement team or parent organization may ask the State Board to provide an assistance team to the school.~~

~~The State Board may provide an assistance team, established under G.S. 115C-105.38, to a school in order to promote or restore safety and an orderly learning environment at that school if one of the following applies:~~

~~(1) The local board of education or superintendent requests that the State Board provide an assistance team to a school and the State Board determines that the school needs assistance.~~

~~(2) The State Board determines within 10 days after its receipt of the request for assistance from a school improvement team or parent organization of a school that the school needs assistance and that the local board has failed to provide adequate assistance to that school.~~

~~If an assistance team is assigned to a school under this section, the team shall spend a sufficient amount of time at the school to assess the problems at the school, assist school personnel with resolving those problems, and work with school personnel and others to develop a long-term plan for restoring and maintaining safety and an orderly learning environment at the school. The assistance team also shall make recommendations to the local board of education and the superintendent on actions the board and the superintendent should consider taking to resolve problems at the school. These recommendations shall be in writing and are public records. If an assistance team is assigned to a school under this section, the powers given to the State Board and the assistance team under G.S. 115C-105.38 and G.S. 115C-105.39 shall apply as if the school had been identified as low-performing under this Article.~~"

SECTION 2.11. G.S. 115C-274(c) reads as rewritten:

"(c) The identification by the State Board of Education of more than half the schools in a local school administrative unit as low-performing under G.S. 115C-105.37 is evidence that the superintendent is unable to fulfill the duties of the office, and the State Board may appoint an interim superintendent to carry out the duties of the ~~superintendent under G.S. 115C-105.39,~~superintendent, may revoke the superintendent's certificate under this section, may dismiss the ~~superintendent under G.S. 115C-105.39,~~superintendent, or may take any combination of these actions."

SECTION 2.12. G.S. 115C-296(d) reads as rewritten:

"(d) The State Board shall adopt rules to establish the reasons and procedures for the suspension and revocation of licenses. The State Board shall revoke the license of a teacher or school administrator if the State Board receives notification from a local board or the Secretary of Health and Human Services that a teacher or school administrator has received a rating on any standard that was identified as an area of concern on the mandatory improvement plan that was below proficient or otherwise represented unsatisfactory or below standard performance under ~~G.S. 115C-333(d) and~~ G.S. 115C-333.1(f). In addition, the State Board may revoke or refuse to renew a teacher's license when:

...."

SECTION 2.13. G.S. 115C-325.11 reads as rewritten:

"**§ 115C-325.11. Dismissal of school administrators and teachers employed in low-performing residential schools.**

(a) Notwithstanding any other provision of this section or any other law, this section shall govern the dismissal by the State Board of Education of teachers, principals, assistant principals, directors, supervisors, and other licensed personnel assigned to a residential school that the State Board has identified as low-performing ~~and to which the State Board has assigned an assistance team.~~pursuant to G.S. 115C-105.37. The State Board shall dismiss a teacher, principal, assistant principal, director, supervisor, or other licensed personnel when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate ~~performance from the assistance team.~~ performance. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

~~(b) The State Board may dismiss a teacher, principal, assistant principal, director, supervisor, or other licensed personnel when:~~

~~(1) The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school.~~

~~(2) That assistance team makes the recommendation to dismiss the teacher, principal, assistant principal, director, supervisor, or other licensed personnel for one or more grounds established in G.S. 115C-325.4 for dismissal or demotion of a teacher.~~

~~Within 30 days of any dismissal under this subsection, a teacher, principal, assistant principal, director, supervisor, or other licensed personnel may request a hearing before a panel of three members designated by the State Board. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subsection. Decisions of the panel may be appealed on the record to the State Board.~~

~~(c) Notwithstanding any other provision of this section or any other law, this subsection shall govern the dismissal by the State Board of licensed staff members who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed staff member.~~

Within 30 days of any dismissal under this ~~subsection,~~section, a licensed staff member may request a hearing before a panel of three members designated by the State Board. The State Board shall adopt procedures to ensure that due process rights are afforded to licensed staff members recommended for dismissal under this ~~subsection.~~ section. Decisions of the panel may be appealed on the record to the State Board.

(d) The State Board or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this section. Nothing in this section shall prevent the State Board from refusing to renew the contract of any person employed in a school identified as low-performing.

(e) Neither party to a school administrator or teacher contract is entitled to damages under this section.

(f) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this section."

SECTION 2.14. G.S. 115C-325.13 reads as rewritten:

"**§ 115C-325.13. Procedure for dismissal of teachers employed in low-performing schools.**

(a) Notwithstanding any other provision of this Part or any other law, this section shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools that the State Board has identified as low-performing ~~and to which the State Board has assigned an assistance team under Article 8B of this Chapter.~~ pursuant to G.S. 115C-105.37. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate ~~performance from the assistance team.~~performance. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher, assistant principal, director, or supervisor.

~~(b) The State Board may dismiss a teacher, assistant principal, director, or supervisor when:~~

~~(1) The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.38; and~~

~~(2) That assistance team makes the recommendation to dismiss the teacher, assistant principal, director, or supervisor for one or more grounds established in G.S. 115C-325.4 for dismissal or demotion for cause.~~

~~A teacher, assistant principal, director, or supervisor may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this section. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this section. Decisions of the panel may be appealed on the record to the State Board.~~

~~(c) Notwithstanding any other provision of this Part or any other law, this section shall govern the State Board's dismissal of licensed staff members who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed staff member.~~

(d) A licensed staff member may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this section. The State Board shall adopt procedures to ensure that due process rights are afforded to licensed staff members recommended for dismissal under this section. Decisions of the panel may be appealed on the record to the State Board.

(e) The State Board of Education or a local board may terminate the contract of a teacher, assistant principal, director, or supervisor dismissed under this section.

(f) Neither party to a school administrator or teacher contract is entitled to damages under this section.

(g) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this section."

SECTION 2.15. G.S. 115C-335(b) reads as rewritten:

"(b) Training. – The State Board, in collaboration with the Board of Governors of The University of North Carolina, shall develop programs designed to train principals and superintendents in the proper administration of the employee evaluations developed by the State Board. The Board of Governors shall use the professional development programs for public school employees that are under its authority to make this training available to all principals and superintendents at locations that are geographically convenient to local school administrative units. The programs shall include methods to determine whether an employee's performance has improved student learning, the development and implementation of appropriate professional growth and mandatory improvement plans, the process for contract nonrenewal, and the dismissal process under Part 3 of Article 22 of this Chapter. The Board of Governors shall ensure that the subject matter of the training programs is incorporated into the masters in school administration programs offered by the constituent institutions. The State Board, in collaboration with the Board of Governors, also shall develop in-service programs for licensed public school employees that may be included in a mandatory improvement plan created under ~~G.S. 115C-333(b) or~~ G.S. 115C-333.1(b). The Board of Governors shall use the professional development programs for public school employees that are under its authority to make this training available at locations that are geographically convenient to local school administrative units."

PART III. REVISE TEACHER EVALUATION CYCLE

SECTION 3.1. G.S. 115C-276(s) reads as rewritten:

"(s) To Provide for Annual Evaluations and Mandatory Improvement Plans. – The superintendent shall provide for the annual evaluation of all licensed ~~employees assigned to low-performing schools that did not receive an assistance team.~~employees. The superintendent shall determine whether all principals and assistant principals who evaluate licensed employees are trained in the proper administration of the employee ~~evaluations and the development of appropriate mandatory improvement plans.~~evaluation process. The superintendent also shall arrange for principals and assistant principals who evaluate licensed employees to receive the appropriate training."

SECTION 3.2. G.S. 115C-288(i) reads as rewritten:

"(i) To Evaluate Licensed Employees and Develop Mandatory Improvement Plans. – Each school year, the principal ~~assigned to a low-performing school that has not received an assistance team shall provide for the evaluation of~~ shall evaluate all licensed employees assigned to the school. The principal also shall develop mandatory improvement plans as provided under ~~G.S. 115C-333(b) and~~ G.S. 115C-333.1(b) and shall monitor an employee's progress under a mandatory improvement plan."

SECTION 3.3. G.S. 115C-325 reads as rewritten:

"**§ 115C-325. System of employment for public school teachers.**

...

(p1) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Residential Schools. –

(1) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of teachers, principals, assistant principals, directors, supervisors, and other licensed personnel assigned to a residential school that the State Board has identified as low-performing ~~and to which the State Board has~~

~~assigned an assistance team under Part 3A of Article 3 of Chapter 143B of the General Statutes.~~pursuant to G.S. 115C-105.37. The Secretary shall dismiss a teacher, principal, assistant principal, director, supervisor, or other licensed personnel when the Secretary receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate ~~performance from the assistance team.~~ performance. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

~~The Secretary may dismiss a teacher, principal, assistant principal, director, supervisor, or other licensed personnel when:~~

~~a. The Secretary determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under Part 3A of Article 3 of Chapter 143B of the General Statutes; and~~

~~b. That assistance team makes the recommendation to dismiss the teacher, principal, assistant principal, director, supervisor, or other licensed personnel for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.~~

Within 30 days of any dismissal under this ~~subdivision,~~subsection, a teacher, principal, assistant principal, director, supervisor, or other licensed personnel may request a hearing before a panel of three members designated by the Secretary. The Secretary shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this ~~subdivision.~~subsection. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.

~~(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the dismissal by the Secretary of Health and Human Services of licensed staff members who have engaged in a remediation plan under G.S. 115C-105.38A(c) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed staff member.~~

~~Within 30 days of any dismissal under this subdivision, a licensed staff member may request a hearing before a panel of three members designated by the Secretary of Health and Human Services. The Secretary shall adopt procedures to ensure that due process rights are afforded to licensed staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the Secretary, with further right of judicial review under Chapter 150B of the General Statutes.~~

(3) The Secretary of Health and Human Services or the superintendent of a residential school may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent the Secretary from refusing to renew the contract of any person employed in a school identified as low-performing under Part 3A of Article 3 of Chapter 143B of the General Statutes.

(4) Neither party to a school administrator contract is entitled to damages under this subsection.

(5) The Secretary of Health and Human Services shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

(q) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Schools. –

~~(1) Notwithstanding any other provision of this section or any other law, this subdivision governs the State Board's dismissal of principals assigned to low-performing schools to which the Board has assigned an assistance team:~~

~~a. The State Board through its designee may, at any time, recommend the dismissal of any principal who is assigned to a low-performing school to which an assistance team has been assigned. The State Board through its designee shall recommend the dismissal of any principal when the Board receives from the assistance team assigned to that principal's school two consecutive evaluations that include written findings and recommendations regarding the principal's inadequate performance.~~

~~b. If the State Board through its designee recommends the dismissal of a principal under this subdivision, the principal shall be suspended with pay pending a hearing before a panel of three members of the State Board. The purpose of this hearing, which shall be held within 60 days after the principal is suspended, is to determine whether the principal shall be dismissed.~~

~~c. The panel shall order the dismissal of the principal if it determines from available information, including the findings of the assistance team, that the low performance of the school is due to the principal's inadequate performance.~~

~~d. The panel may order the dismissal of the principal if (i) it determines that the school has not made satisfactory improvement after the State Board assigned an assistance team to that school; and (ii) the assistance team makes the recommendation to dismiss the principal for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career employee.~~

~~e. If the State Board or its designee recommends the dismissal of a principal before the assistance team assigned to the principal's school has evaluated that principal, the panel may order the dismissal of the principal if the panel determines from other available information that the low performance of the school is due to the principal's inadequate performance.~~

~~f. In all hearings under this subdivision, the burden of proof is on the principal to establish that the factors leading to the school's low performance were not due to the principal's inadequate performance. In all hearings under sub subdivision d. of this subdivision, the burden of proof is on the State Board to establish that the school failed to make satisfactory improvement after an assistance team was assigned to the school and to establish one or more of the grounds established for dismissal or demotion of a career employee under G.S. 115C-325(e)(1).~~

~~g. In all hearings under this subdivision, two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team are substantial evidence of the inadequate performance of the principal.~~

~~h. The State Board shall adopt procedures to ensure that due process rights are afforded to principals under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with~~

~~further right of judicial review under Chapter 150B of the General Statutes.~~

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools that the State Board has identified as low-performing ~~and to which the State Board has assigned an assistance team under Article 8B of this Chapter.~~pursuant to G.S. 115C-105.37. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate ~~performance from the assistance team.~~performance. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

~~The State Board may dismiss a teacher, assistant principal, director, or supervisor when:~~

~~a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.38; and~~

~~b. That assistance team makes the recommendation to dismiss the teacher, assistant principal, director, or supervisor for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career teacher.~~

A teacher, assistant principal, director, or supervisor may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this ~~subdivision.~~subsection. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this ~~subdivision.~~subsection. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

~~(2a) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of licensed staff members who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after one retest, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after one retest shall be substantial evidence of the inadequate performance of the licensed staff member. A licensed staff member may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to licensed staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.~~

(3) The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low-performing under G.S. 115C-105.37.

(4) Neither party to a school administrator contract is entitled to damages under this subsection.

(5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."

SECTION 3.4.(a) G.S. 115C-333.1(a) reads as rewritten:

"(a) Annual Evaluations. – All teachers who ~~are assigned to schools that are not designated as low-performing and who have not been employed for at least three consecutive years shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and~~ hold a Standard Professional II License shall be ~~evaluated at least once annually~~provided an annual evaluation by a principal. ~~All teachers with career status or on a four-year contract who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow teachers with career status or on a four-year contract to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements.~~ All teachers who do not hold a Standard Professional II License shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. Local boards also may adopt rules requiring the annual evaluation of nonlicensed employees. A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. ~~All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board.~~"

SECTION 3.4.(b) This section is effective when the act becomes law and expires June 30, 2018.

SECTION 3.5.(a) G.S. 115C-333.1(a) reads as rewritten:

"(a) Annual Evaluations. – All teachers who ~~are assigned to schools that are not designated as low-performing and who have not been employed for at least three consecutive years shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and~~ hold a Standard Professional II License shall be ~~evaluated at least once annually~~ provided an annual evaluation by a principal. ~~All teachers who have been employed for three or more years who are assigned to schools that are not designated as low-performing shall be evaluated annually unless a local board adopts rules that allow teachers employed for three or more years to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements.~~ All teachers who do not hold a Standard Professional II License shall be observed at least three times annually by the principal or the principal's designee and at least once annually by a teacher and shall be evaluated at least once annually by a principal. Local boards also may adopt rules requiring the annual evaluation of nonlicensed employees. A local board shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. ~~All other provisions of this section shall apply if a local board uses an evaluation other than one adopted by the State Board.~~"

SECTION 3.5.(b) This section is effective June 30, 2018.

SECTION 3.6. G.S. 115C-333.1 reads as rewritten:

"**§ 115C-333.1. Evaluation of teachers in ~~schools not identified as low-performing;~~schools; mandatory improvement plans; State Board notification upon dismissal of teachers.**

…

(b) Mandatory Improvement Plans for Teachers. – If, in an observation report or year-end evaluation, a teacher receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on any standard that the teacher was expected to demonstrate, the principal may place the teacher on a mandatory improvement plan as defined in ~~G.S. 115C-333(b)(1a).~~subsection (b1) of this section. The mandatory improvement plan shall be utilized only if the superintendent or superintendent's designee determines that an individual, monitored, or directed growth plan will not satisfactorily address the deficiencies.

If at any time a teacher engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment, and immediate dismissal or demotion is not appropriate, then the principal may immediately institute a mandatory improvement plan regardless of any ratings on previous evaluations. The principal shall document the exigent reason for immediately instituting such a plan. The mandatory improvement plan shall be developed by the principal in consultation with the teacher. The teacher shall have five instructional days from receipt of the proposed mandatory improvement plan to request a modification of such plan before it is implemented, and the principal shall consider such suggested modifications before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan. The State Board shall develop guidelines that include strategies to assist local boards in evaluating teachers and developing effective mandatory improvement plans. Local boards may adopt policies for the implementation of mandatory improvement plans under this section.

(b1) A mandatory improvement plan is an instrument designed to improve a teacher's performance or the performance of any licensed employee by providing the individual with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the individual, so that the individual, within a reasonable period of time, should satisfactorily resolve such deficiencies.

(c) Observation by a Qualified Observer. –

(1) The term "qualified observer" as used in this section is any administrator or teacher who is licensed by the State Board of Education and working in North Carolina; any employee of the North Carolina Department of Public Instruction who is trained in evaluating licensed employees; or any instructor or professor who teaches in an accredited North Carolina school of education and holds an educator's license.

(2) The local board of education shall create a list of qualified observers who are employed by that board and available to do observations of employees on mandatory improvement plans. This list shall be limited to names of administrators and teachers selected by the local board of education. The local board of education shall strive to select administrators and teachers with excellent reputations for competence and fairness.

(3) Any ~~teacher, other than a teacher assigned to a school designated as low-performing,~~ teacher who has been placed on a mandatory improvement plan shall have a right to be observed by a qualified observer in the area or areas of concern identified in the mandatory improvement plan. The affected teacher and the principal shall jointly choose the qualified observer within 20 instructional days after the commencement of the mandatory improvement plan. If the teacher and the principal cannot agree on a qualified observer within this time period, they each shall designate a person from the list of qualified observers created pursuant to subdivision (2) of this subsection, and these two designated persons shall choose a qualified observer within five instructional days of their designation. The qualified observer shall draft a written report assessing the teacher in the areas of concern identified in the mandatory improvement plan. The report shall be submitted to the principal before the end of the mandatory improvement plan period. If a teacher or administrator from the same local school administrative unit is selected to serve as the qualified observer, the administration of the local school administrative unit shall provide such qualified observer with the time necessary to conduct the observation and prepare a report. If someone who is not employed by the same local school administrative unit is selected to serve as the qualified observer, the teacher

who is the subject of the mandatory improvement plan will be responsible for any expenses related to the observations and reports prepared by the qualified observer. The qualified observer shall not unduly disrupt the classroom when conducting an observation.

(4) No local board of education or employee of a local board of education shall discharge, threaten, or otherwise retaliate against another employee of the board regarding that employee's compensation, terms, conditions, location, or privileges of employment because of the employee's service or completion of a report as an objective observer pursuant to this subsection, unless the employee's report contained material information that the employee knew was false.

...."

SECTION 3.7. G.S. 115C-334 is repealed.

PART IV. REPORT CHANGES

SECTION 4.1. G.S. 115C-156.2(b) reads as rewritten:

"(b) Beginning in 2014, the State Board of Education shall report to the Joint Legislative Education Oversight Committee by ~~September~~November 15 of each year on the number of students in career and technical education courses who earned (i) community college credit and (ii) related industry certifications and credentials."

SECTION 4.2. G.S. 115C-174.26(h) reads as rewritten:

"(h) ~~Beginning October 15 November 15, 2014, the~~The State Board of Education shall report ~~annually~~ to the Joint Legislative Education Oversight Committee by December 15 each year on advanced courses in North Carolina. The report shall include, at a minimum, the following information:

(1) The North Carolina Advanced Placement Partnership's report to the Department of Public Instruction as required by subsection (g) of this section and the State Board's assessment of that report.

(2) Number of students enrolled in advanced courses and participating in advanced course examinations, including demographic information by gender, race, and free and reduced-price lunch status.

(3) Student performance on advanced course examinations, including information by course, local school administrative unit, and school.

(4) Number of students participating in 10th grade PSAT/NMSQT testing.

(5) Number of teachers attending summer institutes offered by the North Carolina Advanced Placement Partnership.

(6) Distribution of funding appropriated for advanced course testing fees and professional development by local school administrative unit and school.

(7) Status and efforts of the North Carolina Advanced Placement Partnership.

(8) Other trends in advanced courses and examinations."

SECTION 4.3. G.S. 115C-296(b1)(4) reads as rewritten:

"(4) Annual State Board of Education report. – The educator preparation program report cards shall be submitted to the Joint Legislative Education Oversight Committee on an annual basis by ~~November~~December 15."

SECTION 4.4. Section 8.3(j) of S.L. 2013-360, as amended by Section 92 of S.L. 2014-115, is repealed.

SECTION 4.5. Section 8.4(i) of S.L. 2013-360, as amended by Section 93 of S.L. 2014-115, is repealed.

PART V. CONFORMING CHANGES TO DHHS RESIDENTIAL SCHOOLS

SECTION 5.1. G.S. 143B-146.1 reads as rewritten:

"**§ 143B-146.1. Mission of schools; definitions.**

(a) It is the intent of the General Assembly that the mission of the residential school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.

(b) The following definitions apply in this Part:

(1) ~~ABC's Program or~~ Program. – The School-Based Management and Accountability Program developed by the State Board.

(2) Department. – The Department of Health and Human Services.

(3) Instructional personnel. – Assistant principals, teachers, instructional personnel, instructional support personnel, and teacher assistants employed in a residential school.

(4) Participating school. – A residential school that is required to participate in the ~~ABC's~~ Program.

(4a) Residential school. – A school operated by the Department of Health and Human Services that provides residential services to students. For the purposes of this Part, "residential school" does not include a school operated pursuant to Article 9C of Chapter 115C.

(5) Residential school personnel. – The individuals included in G.S. 143B-146.16(a)(2).

(6) Schools. – The residential schools under the control of the Secretary.

(7) Secretary. – The Secretary of Health and Human Services.

(8) State Board. – The State Board of Education."

SECTION 5.2. G.S. 143B-146.2 reads as rewritten:

"**§ 143B-146.2. ~~ABC's~~ School-Based Management and Accountability Program in residential schools.**

(a) The Secretary, in consultation with the General Assembly and the State Board, may designate residential schools that must participate in the ~~ABC's~~ Program. The primary goal of the ~~ABC's~~ Program is to improve student performance. The Program is based upon an accountability, recognition, assistance, and intervention process in order to hold each participating school, its principal, and the instructional personnel accountable for improved student performance in that school.

(b) In order to support the participating schools in the implementation of this Program, the State Board, in consultation with the Secretary, shall adopt guidelines, including guidelines to:

(1) Assist the Secretary and the participating schools in the development and implementation of the ~~ABC's~~ Program.

(2) Recognize the participating schools that meet or exceed their goals.

(3) Identify participating schools that are ~~low-performing and assign assistance teams to those schools. The assistance teams should include individuals with expertise in residential schools, individuals with experience in the education of children with disabilities, and others the State Board, in consultation with the Secretary, considers appropriate.~~low-performing.

~~(4) Enable assistance teams to make appropriate recommendations.~~

(c) The ~~ABC's~~ Program shall provide increased decision making and parental involvement at the school level with the goal of improving student performance.

(d) Consistent with improving student performance, the Secretary shall provide maximum flexibility to participating schools in the use of funds to enable those schools to accomplish their goals."

SECTION 5.3. G.S. 143B-146.3 reads as rewritten:

"**§ 143B-146.3. Annual performance goals.**

The ~~ABC's~~ Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold participating schools accountable for the educational growth of their students. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each participating school in order to measure the growth in performance of the students in each individual school."

SECTION 5.4. G.S. 143B-146.4 is repealed.

SECTION 5.5. G.S. 143B-146.5 reads as rewritten:

"**§ 143B-146.5. Identification of low-performing schools.**

(a) The State Board shall design and implement a procedure to identify low-performing schools on an annual ~~basis. Low-performing schools are those participating schools in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.~~basis and provide any services in accordance with G.S. 115C-105.37.

~~(b) By July 10 of each year, the Secretary shall do a preliminary analysis of test results to determine which participating schools the State Board may identify as low-performing under this section. The Secretary then shall proceed under G.S. 143B-146.7. In addition, within 30 days of the initial identification of a school as low-performing by the Secretary or the State Board, whichever occurs first, the Secretary shall develop a preliminary plan for addressing the needs of that school. Before the Secretary adopts this plan, the Secretary shall make the plan available to the residential school personnel and the parents and guardians of the students of the school, and shall allow for written comments. Within five days of adopting the plan, the Secretary shall submit the plan to the State Board. The State Board shall review the plan expeditiously and, if appropriate, may offer recommendations to modify the plan. The Secretary shall consider any recommendations made by the State Board.~~

~~(c) Each identified low-performing school shall provide written notification to the parents of students attending that school. The written notification shall include a statement that the State Board of Education has found that the school has "failed to meet the minimum growth standards, as defined by the State Board, and a majority of students in the school are performing below grade level." This notification also shall include a description of the steps the school is taking to improve student performance.~~"

SECTION 5.6. G.S. 143B-146.6 is repealed.

SECTION 5.7. G.S. 143B-146.7 is repealed.

SECTION 5.8. G.S. 143B-146.8 is repealed.

SECTION 5.9. G.S. 143B-146.9 is repealed.

PART VI. EFFECTIVE DATE

SECTION 6. Except as otherwise provided in this act, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 597
PROPOSED COMMITTEE SUBSTITUTE S597-PCS15242-RQ-15

Short Title: Repeal References to ABCs. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO REPEAL REFERENCES TO THE ABCS PROGRAM IN THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1.1. G.S. 115C-17 is repealed.

SECTION 1.2. G.S. 115C-105.36 is repealed.

SECTION 1.3. G.S. 143B-146.1 reads as rewritten:

"**§ 143B-146.1. Mission of schools; definitions.**

(a) It is the intent of the General Assembly that the mission of the residential school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.

(b) The following definitions apply in this Part:

(1) ~~ABC's Program or~~ Program. – The School-Based Management and Accountability Program developed by the State Board.

(2) Department. – The Department of Health and Human Services.

(3) Instructional personnel. – Assistant principals, teachers, instructional personnel, instructional support personnel, and teacher assistants employed in a residential school.

(4) Participating school. – A residential school that is required to participate in the ~~ABC's~~ Program.

(4a) Residential school. – A school operated by the Department of Health and Human Services that provides residential services to students. For the purposes of this Part, "residential school" does not include a school operated pursuant to Article 9C of Chapter 115C.

(5) Residential school personnel. – The individuals included in G.S. 143B-146.16(a)(2).

(6) Schools. – The residential schools under the control of the Secretary.

(7) Secretary. – The Secretary of Health and Human Services.

(8) State Board. – The State Board of Education."

SECTION 1.4. G.S. 143B-146.2 reads as rewritten:

"**§ 143B-146.2. ~~ABC's~~ School-Based Management and Accountability Program in residential schools.**

(a) The Secretary, in consultation with the General Assembly and the State Board, may designate residential schools that must participate in the ~~ABC's~~ Program. The primary goal of the ~~ABC's~~ Program is to improve student performance. The Program is based upon an accountability, recognition, assistance, and intervention process in order to hold each

participating school, its principal, and the instructional personnel accountable for improved student performance in that school.

(b) In order to support the participating schools in the implementation of this Program, the State Board, in consultation with the Secretary, shall adopt guidelines, including guidelines to:

(1) Assist the Secretary and the participating schools in the development and implementation of the ~~ABC's~~ Program.

(2) Recognize the participating schools that meet or exceed their goals.

(3) Identify participating schools that are low-performing and assign assistance teams to those schools. The assistance teams should include individuals with expertise in residential schools, individuals with experience in the education of children with disabilities, and others the State Board, in consultation with the Secretary, considers appropriate.

(4) Enable assistance teams to make appropriate recommendations.

(c) The ~~ABC's~~ Program shall provide increased decision making and parental involvement at the school level with the goal of improving student performance.

(d) Consistent with improving student performance, the Secretary shall provide maximum flexibility to participating schools in the use of funds to enable those schools to accomplish their goals."

SECTION 1.5. G.S. 143B-146.3 reads as rewritten:

"**§ 143B-146.3. Annual performance goals.**

The ~~ABC's~~ Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold participating schools accountable for the educational growth of their students. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each participating school in order to measure the growth in performance of the students in each individual school."

SECTION 1.6. G.S. 143B-146.4 is repealed.

SECTION 1.7. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 597

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

S597-ARQ-12 [v.1]

Amends Title [YES]
First Edition

Date _____,2015

Senator Tillman

moves to amend the bill on page 1, line 2, through page 14, line 40 by deleting those lines and substituting the following:

"AN ACT TO REPEAL REFERENCES TO THE ABCS PROGRAM IN THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1.1. G.S. 115C-17 is repealed.

SECTION 1.2. G.S. 115C-105.36 is repealed.

SECTION 1.3. G.S. 143B-146.1 reads as rewritten:

"**§ 143B-146.1. Mission of schools; definitions.**

(a) It is the intent of the General Assembly that the mission of the residential school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.

(b) The following definitions apply in this Part:

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(4a) Residential school. – A school operated by the Department of Health and Human Services that provides residential services to students. For the purposes of this Part, "residential school" does not include a school operated pursuant to Article 9C of Chapter 115C.

(5) Residential school personnel. – The individuals included in G.S. 143B-146.16(a)(2).

(6) Schools. – The residential schools under the control of the Secretary.

(7) Secretary. – The Secretary of Health and Human Services.

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SECTION 1.4. G.S. 143B-146.2 reads as rewritten:

"**§ 143B-146.2. ~~ABC's~~ School-Based Management and Accountability Program in residential schools.**

(a) The Secretary, in consultation with the General Assembly and the State Board, may designate residential schools that must participate in the ~~ABC's~~ Program. The primary goal of the ~~ABC's~~ Program is to improve student performance. The Program is based upon an accountability, recognition, assistance, and intervention process in order to hold each participating school, its principal, and the instructional personnel accountable for improved student performance in that school.

(b) In order to support the participating schools in the implementation of this Program, the State Board, in consultation with the Secretary, shall adopt guidelines, including guidelines to:

(1) Assist the Secretary and the participating schools in the development and implementation of the ~~ABC's~~ Program.

(2) Recognize the participating schools that meet or exceed their goals.

(3) Identify participating schools that are low-performing and assign assistance teams to those schools. The assistance teams should include individuals with expertise in residential schools, individuals with experience in the education of children with disabilities, and others the State Board, in consultation with the Secretary, considers appropriate.

(4) Enable assistance teams to make appropriate recommendations.

(c) The ~~ABC's~~ Program shall provide increased decision making and parental involvement at the school level with the goal of improving student performance.

(d) Consistent with improving student performance, the Secretary shall provide maximum flexibility to participating schools in the use of funds to enable those schools to accomplish their goals."

SECTION 1.5. G.S. 143B-146.3 reads as rewritten:

"**§ 143B-146.3. Annual performance goals.**

The ~~ABC's~~ Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold participating schools accountable for the educational growth of their students. To those ends, the State Board shall design and implement

an accountability system that sets annual performance standards for each participating school in order to measure the growth in performance of the students in each individual school."

SECTION 1.6. G.S. 143B-146.4 is repealed.

SECTION 1.7. This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 597: Repeal References to ABCs

2015-2016 General Assembly

Committee:	Rules and Operations of the Senate	**Date:**	April 28, 2015
Introduced by:	Sens. Tillman, Soucek, Curtis	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Counsel
Analysis of:	PCS to First Edition S597-CSRQ		

SUMMARY: ***Senate Bill 597 would make various changes in the education statutes including repealing assistance teams to low-performing schools; allow the State Board of Education (SBE) to define low-performing schools on an annual basis; and change modify the evaluation procedures for school personnel at low-performing schools.***

The Proposed Committee Substitute would repeal only the references to the "ABCs" Program in the statues.

CURRENT LAW: Article 8B of Chapter 115C sets forth the School-Based Management and Accountability Program which provides various interventions for low-performing schools including the definition of a low-performing school. The interventions include assistance teams provided by the Department of Public Instruction and the SBE and specific dismissal procedures for personnel in these schools based on recommendations of the assistance teams. The current statutes also provide specific evaluation and observation processes for school personnel in low-performing schools and schools that are not designated as low-performing.

BILL ANALYSIS: The PCS for SB 597 would only repeal the statutory references to the "ABCs" Program and the statutes that provide for financial performance recognition for personnel in schools that met growth as determined by the SBE because the school performance models based on the ABCs are no longer being used in the State.

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

O. Walker Reagan
Director

S597-SMRQ-32 CSRQ-15 -V2

Research Division
(919) 733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Margie Freeman	NCAE
~~Jane~~ Stilwell	NCSBE
Rachel Bunn	NCDPI
Henry M Lancaster ~~Jr~~	LCA
Jere Royall	NCFPC
~~Theresa Redden~~	UNCDG
Tom West	NCICU
Sue Ann Forrest	NCICU
Douglas Holbrook	NCSBA
Lee Teague	NC PCSA
JULIE KOWAL	BEST NC
Alex Bowen	CCS
TOM BOWLIN	NC NATIONAL GUARD
Brandon Anderson	NCIBC
Emily Mae Hamrick	NCCCS
Mary Shuping	NCCCS
Jonathan Kappler	UNC GA
Emily Hawthorne	PENCJCISNC

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCSSWA
[illegible]	Bon: Asso.
[illegible]	NCASA
[illegible]	[illegible]
PRESTON HOWARD	NCMA
[illegible]	CSS
[illegible]	DOA
[illegible]	[illegible]
AMY MAST	GEORGIA.
[illegible]	Hunt Institute
ROBBIE FERRIS	SFLA ARCHITECTS
[illegible]	NCBA
[illegible]	NHUC
[illegible]	NCASA
[illegible]	Charter Schools
[illegible]	J&F
[illegible]	NMRS

09-21-201

VISITOR REGISTRATION SHEET

SENATE COMMITTEE ON EDUCATION/HIGHER EDUCATION

DATE: _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Evan Miller	NMAS

Senate Committee on Education/Higher Education
Wednesday, May 6, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 358	School Performance Grade Scale.	Representative L. Johnson Representative Horn Representative Holloway Representative Elmore
HB 393	Tri-County CC/Bd. of Trustees.	Representative West

Adjournment

Senate Committee on Education/Higher Education
Wednesday, May 6, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on May 6, 2015 in Room 544 of the Legislative Office Building. 16 members were present.

Sen. Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Representative West was recognized and explained **HB 393 Tri-County CC/Bd. of Trustees.** Following questions from the committee members, Senator Bingham was recognized and moved for a favorable report and the motion passed.

Representative Elmore was recognized and explained **HB 358 School Performance Grade Scale.** Following questions from the committee members, Senator Bingham was recognized and moved for a favorable report and the motion passed.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 11:13.

Sen. Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, May 06, 2015

Senator Tillman,
submits the following with recommendations as to passage:

FAVORABLE

HB **358** School Performance Grade Scale.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

HB **393** Tri-County CC/Bd. of Trustees.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 2

Senator Thomas McInnis will handle HB 358
Senator James Davis will handle HB 393

HOUSE BILL 358

Short Title:	School Performance Grade Scale.	(Public)
Sponsors:	Representatives L. Johnson, Horn, Holloway, and Elmore (Primary Sponsors). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Education - K-12.	

March 26, 2015

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE USE OF THE FIFTEEN-POINT SCALE FOR ASSIGNMENT OF SCHOOL PERFORMANCE GRADES FOR THE 2014-2015 AND 2015-2016 SCHOOL YEARS ONLY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 115C-83.15(d), for the 2014-2015 school year and the 2015-2016 school year only, for all schools the total school performance score shall be converted to a 100-point scale and used to determine a school performance grade based on the following scale:

(1) A school performance score of at least 85 is equivalent to an overall school performance grade of A.
(2) A school performance score of at least 70 is equivalent to an overall school performance grade of B.
(3) A school performance score of at least 55 is equivalent to an overall school performance grade of C.
(4) A school performance score of at least 40 is equivalent to an overall school performance grade of D.
(5) A school performance score of less than 40 is equivalent to an overall school performance grade of F.

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

HOUSE BILL 358:
School Performance Grade Scale

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	May 6, 2015
Introduced by:	Reps. L. Johnson, Horn, Holloway, Elmore	**Prepared by:**	Drupti Chauhan* Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 358 would extend the use of the 15-point scale for assignment of A-F school performance grades for the 2014-2015 and 2015-2016 school years.

[As introduced, this bill was identical to S450, as introduced by Sens. Tillman, Soucek, McInnis, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: In general, school performance scores are calculated by adding the school achievement score and the school growth score and then converting the score to a 100-point scale. A-F school performance grades are assigned a corresponding letter grade based on a ten-point grading scale, as follows:

- A school performance score of at least 90 is a school performance grade of A.
- A school performance score of at least 80 is a school performance grade of B.
- A school performance score of at least 70 is a school performance grade of C.
- A school performance score of at least 60 is a school performance grade of D.
- A school performance score of less than 60 is a school performance grade of F.

S.L. 2014-5 changed the scale for calculating A-F school performance grades from a ten-point scale to a 15-point scale for the 2013-2014 school year, as follows:

- A school performance score of at least 85 is a school performance grade of A.
- A school performance score of at least 70 is a school performance grade of B.
- A school performance score of at least 55 is a school performance grade of C.
- A school performance score of at least 40 is a school performance grade of D.
- A school performance score of less than 40 is a school performance grade of F.

BILL ANALYSIS: House Bill 358 would extend the use of the 15-point scale for assignment of A-F school performance grades for the 2014-2015 and 2015-2016 school years.

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

BACKGROUND: Under current law, the State Board of Education (SBE) must award school achievement, growth, and performance scores and an associated A-F performance grade for every school.

**Denise Adams, Committee Analyst, contributed significantly to this summary.*

O. Walker Reagan
Director

H 1 3 5 8 - S M R Q - 3 7 E 1 - V 1

Research Division
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- School achievement scores are calculated to reflect student performance on annual indicators that include subject-specific assessments, college and workplace readiness measures, and graduation rates.

- School growth scores are calculated by weighing student growth, using EVAAS, on achievement indicators to see which schools have met, exceeded, or not met expected growth.

- School performance scores are calculated by adding the school achievement score and the school growth score earned by a school. The school achievement score accounts for 80% and the school growth score accounts for 20% of the total sum. If a school has met expected growth and the inclusion of the school's growth score would reduce the school's performance score, a school may choose to use the school achievement score as the sole measure to calculate the performance score. The performance score is converted to a 100-point scale and assigned a corresponding letter grade of A-F based on 10-point grading scale.

HOUSE BILL 393

Short Title:	Tri-County CC/Bd. of Trustees.	(Local)
Sponsors:	Representative West (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Education - Community Colleges.	

March 31, 2015

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE MANNER OF SELECTION OF MEMBERS OF THE TRI-COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-12 reads as rewritten:

"**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the ~~third~~second paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

~~Group One – four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.~~

Group ~~Two~~One – ~~four~~eight trustees, elected by the board of commissioners of the county in which the main campus of the institution is located. ~~Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees.~~ No more than one trustee from Group ~~Two~~One may be a member of a board of county commissioners. Should ~~the boards of education or~~ the ~~boards~~ board of commissioners ~~involved~~ be unable to agree on one or more trustees the senior resident superior court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group ~~Three~~Two – four trustees, appointed by the Governor.

Group ~~Four~~Three – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to this

Chapter shall be an ex officio nonvoting member of the board of trustees of each said institution.

(b) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto with the exception of members provided for in subsection (a) of this section, Group ~~Four.~~Three.

...."

SECTION 2. This act applies only to Tri-County Community College.

SECTION 3. This act is effective when it becomes law and applies to appointments made on or after that date.

HOUSE BILL 393:
Tri-County CC/Bd. of Trustees

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	May 6, 2015
Introduced by:	Rep. West	**Prepared by:**	Kara McCraw Committee Counsel
Analysis of:	First Edition		

SUMMARY: House Bill 393 would eliminate the 4 appointments of the local board of education to the board of trustees of Tri-County Community College and require the county commissioners of the campus in which the main campus is located to make 8 appointments.

CURRENT LAW: G.S. 115D-12 establishes the local boards of trustees for community colleges. There are thirteen members on each board, including the president of the student body as an ex officio member. The remaining twelve members are appointed in groups of 4 respectively by the following entities:

1) The board(s) of education of the local school administrative unit(s) located in the administrative area of the institution. If there is more than one board, the appointment is made jointly.
2) The board(s) of commissioners of the county or counties in the administrative area of the institution. If there is more than one board, the appointment is made jointly. If a satellite campus has been established in a county and the board of trustees agrees, the county commissioners where the satellite campus is located may elect an additional 2 members.
3) The Governor.

BILL ANALYSIS: House Bill 393 would create a local modification to the appointment procedures for the board of trustees of Tri-County Community College as follows:

- The local boards of education would no longer appoint any members to the board of trustees.
- The county commissioners of the county in which the main campus for Tri-County Community College is located (Cherokee County) would appoint 8 members to the board of trustees.
- No other county commissioners in the administrative area would make appointments to the board of trustees.

EFFECTIVE DATE: HB 393 would become effective when it becomes law, and applies to appointments made on or after that date.

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

5-6-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cheryl Posner-Cahill	NC School Psych Assoc
Peggy Hauffe	S of t
Steve Mitchell	Astellas
Joel Magnuson	GPM & Assoc
Susan Harrison	NCSSWA
Georgia Faircloth	NCSBA
Bruce Muldwurf	NCSBA
Adam Protheroe	NCASA
Isabel Villa-Lopez	UCAN
Julie Kowal	BEST NC

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

5-6-15

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joyce Peters	CSS
J Peters	CSS
Tara Stilwell	NCJOG
Curtis Sonneman	NCDPI
Marie Foreman	NCHE
Evelyn Hawthorne	Other

09-21-201

Senate Committee on Education/Higher Education
Wednesday, May 13, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 18	Continuing Budget Authority.	Representative S. Martin Representative Horn Representative Shepard Representative Hanes
HB 237	Repeal Personal Ed Plans/Modify Trans Plans.	Representative Elmore Representative Holloway Representative Glazier
HB 878	Expand Bd. of Trustees/Sch. of Science & Math.	Representative Jordan Representative Blackwell

Adjournment

Senate Committee on Education/Higher Education
Wednesday, May 13, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on May 13, 2015 in Room 544 of the Legislative Office Building. Nineteen members were present.

Senator Dan Soucek, Chair, presided.

Chairman Soucek called the meeting to order and thanked the sergeants-at-arms and the pages.

He then called on Representative Susan Martin to explain **HB 18 - Planning Year for CIHSs. (Representatives S. Martin, Horn, Shepard, Hanes)**.

Following a brief explanation, Senator Don Davis was recognized and moved for a favorable report. The motion passed.

Chairman Soucek then called on Representative Jeff Elmore to explain **HB 237 - Repeal Personal Ed Plans/Modify Trans Plans. (Representatives Elmore, Holloway, Glazier)**.

After Rep. Elmore's explanation of the bill and subsequent questions from members, Senator Gladys Robinson offered an amendment. Chairman Soucek announced that he would move on to the next bill in order to allow Rep. Elmore time to review the amendment.

Representative Jonathan Jordan was then called forward to explain **HB 878 - Expand Bd. of Trustees/Sch. of Science & Math. (Representatives Jordan, Blackwell)**. Following his explanation, Senator Mike Woodard moved for a favorable report.

Chairman Soucek accepted questions from members for Rep. Jordan and staff and then proceeded to call for a vote. The motion passed.

Returning to HB 237, Chairman Soucek announced that Senator Robinson had agreed to withdraw her amendment, preferring to continue discussions with Representative Elmore.

Following questions and comments from members, Chairman Soucek recognized Senator Wade, who moved for a favorable report. The motion passed.

With no further business, Chairman Soucek adjourned the meeting. The meeting adjourned at 11:40AM.

Senator Dan Soucek, Chair
Presiding

John Clark, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, May 13, 2015

Senator Soucek,
submits the following with recommendations as to passage:

FAVORABLE

HB **18** **(CS#1)** Planning Year for CIHSs.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **237** **(CS#1)** Repeal Personal Ed Plans/Modify Trans Plans.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

HB **878** **(CS#1)** Expand Bd. of Trustees/Sch. of Science & Math.
Draft Number: None
Sequential Referral: None
Recommended Referral: None
Long Title Amended: No

TOTAL REPORTED: 3

Senator E.S. Newton will handle HB 18
Senator Jerry Tillman will handle HB 237
Senator Ralph Hise will handle HB 878

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H 2

HOUSE BILL 18
Committee Substitute Favorable 3/17/15

Short Title: Planning Year for CIHSs. (Public)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A PLANNING YEAR FOR ESTABLISHMENT OF COOPERATIVE INNOVATIVE HIGH SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.51A reads as rewritten:

"**§ 115C-238.51A. Approval process.**

(a) Joint Advisory Committee. – The State Board of Education and the applicable governing Board of the local board of trustees shall appoint a joint advisory committee to review the applications and to recommend approval for those applications that meet the requirements of this Part and achieve purposes set out in G.S. 115C-238.50. The recommendation shall indicate whether additional funds were requested in the application.

(b) No Additional Funds. – For applications which have not requested additional funds, the State Board of Education and the applicable governing Board may approve cooperative innovative high schools. In granting approval, consideration shall be given to the proposed budget and demonstration of sources of sustainable funding for the operation of the cooperative innovative high school. Approvals shall be made by June 30 of each year. No additional State funds, position allotments, earning of budget full-time equivalent students, or payments of tuition shall be provided to cooperative innovative high schools approved under this subsection. A cooperative innovative high school approved as provided in this subsection may open at the beginning of the school year following approval or may open after a planning year.

(c) Additional Funds. – For applications which have requested additional funds, the State Board of Education and the applicable governing Board may approve cooperative innovative high schools contingent upon appropriation of (i) the additional funds or (ii) funding for a planning year by the General Assembly. Contingent approval shall be made by April I of each year. The contingent approval shall expire if no appropriation is made by the General Assembly for the additional funds or planning year funding within one calendar year. No cooperative innovative high school shall open prior to the appropriation by the General Assembly of (i) the full amount of the additional funds as requested in the application for that school under G.S. 115C-238.51 for the upcoming fiscal year or fiscal ~~biennium,~~biennium or (ii) planning year funding, as appropriate. A cooperative innovative high school that is appropriated planning year funding as provided in this subsection shall open after a planning year. If no appropriation is made by the General Assembly, a revised application may be submitted under subsection (b) of this section."

SECTION 2. This act becomes effective July 1, 2015, and applies to applications submitted for approval in the 2014-2015 school year and each subsequent school year.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 18: Planning Year for CIHSs

2015-2016 General Assembly

Committee:	House Education - K-12, if favorable, Appropriations	**Date:**	February 24, 2015
Introduced by:	Reps. S. Martin, Horn, Shepard, Hanes	**Prepared by:**	Denise Adams Legislative Analyst
Analysis of:	PCS to First Edition H18-CSTB-1		

SUMMARY: ***House Bill 18 would provide applicants seeking Cooperative Innovative High School (CIHS) status with the option to have a planning year prior to opening the CIHS. House Bill 18 would appropriate $750,000 for the 2015-2016 fiscal year to be allocated for planning year funding in the amount of $75,000 per approved CIHS. As introduced, HB 18 was a recommendation of the House Study Committee on Education Innovation.***

The Proposed Committee Substitute (PCS) for HB 18 would make the following changes: (i) Remove the appropriation in Section 2, and renumber the remaining section accordingly, (ii) clarify the effective date applies to schools that submitted an application in the 2014-2015 school year and subsequent years, and (iii) make a conforming change to the long title.

CURRENT LAW: Part 9 of Article 16 of Chapter 115C of the North Carolina General Statutes provides the process by which CIHSs are established.

Status as a CIHS is a two-part process. First, the SBE and the appropriate Board(s) of the institute of higher education (IHE) provide a programmatic review of applications and a Joint Advisory Committee makes a recommendation for which CIHSs should be approved. Applications should include (i) a statement of purpose, (ii) how the CIHS will relate to the Economic Vision Plan adopted for the economic development region in which the CIHS is to be located, (iii) a description of student academic and vocational achievement goals, (iv) how the CIHS will be operated, and (v) the process by which students will be selected and admitted. Applications should also include a description of the funds that will be used and a proposed budget for the first five years of the implementation of the CIHS. This description should identify how the average daily membership (ADM) and full-time equivalent (FTE) students are counted. If additional funds are requested, applications must include how those funds will be used. Additional funds may include the CIHS allotment and tuition payments.

Secondly, action from the General Assembly may be required, depending whether the CIHS applicant requests additional funds from the State. For applicants who have not requested additional funds, the SBE and the Board(s) of the partnering IHE may award final approval by June 30 of each year, and those schools can open without further action from the General Assembly. For applicants who have requested additional funds, the SBE and the appropriate Board(s) of the IHE may approve a CIHS contingent upon appropriation of the additional funds by the General Assembly. Contingent approvals are made by April 1 of each year. Applicants requesting additional funds may not open prior to the appropriation by the General Assembly of the full amount requested in the application.

BILL ANALYSIS: The PCS for HB 18 provides a CIHS the option to have a planning year prior to opening the school. For applicants that do not request additional funds and are approved, the school

would have the option of opening at the beginning of the school year following approval or after a planning year. For applicants that do request additional funds, the SBE and the Board(s) of the partnering IHE may approve a CIHS contingent upon appropriation of additional funds or funding for a planning year. A CIHS that is appropriated planning year funding must open after a planning year.

EFFECTIVE DATE: The PCS for HB 18 would become effective July 1, 2015, and applies to applications submitted for approval in the 2014-2015 school year and each subsequent school year.

BACKGROUND: Current law authorizes local boards of education to jointly establish with one or more local boards of trustees a cooperative innovative program for high school students that target students either (i) at risk of not graduating, (ii) with parents who did not continue education beyond high school, or (iii) who would benefit from accelerated academic instruction. A local board of trustees may be the trustees of a community college, constituent institution of UNC, or a private college located in North Carolina.

A CIHS is a high school approved by the State Board of Education (SBE) and the applicable governing Board of the partnering institution of higher education (IHE) that meets the following criteria:

1. It has no more than 100 students per grade level.

2. Partners with an IHE to enable students to concurrently obtain a high school diploma and begin or complete an associate degree program, master a certificate or vocational program, or earn up to two years of college credit within five years.

3. Located on the campus of the partner IHE, unless granted a waiver.

In the 2014-2015 application period, ten schools applied for a programmatic review and approval. In December of 2014, the SBE voted unanimously to approve eight of the ten CIHS applications, which are:

- The Academy at High Point (Guilford County Schools)
- The Academy at Smith (Guilford County Schools)
- The STEM Early College at NC A&T (Guilford County Schools)
- The Middle College at UNC Greensboro (Guilford County Schools)
- Pitt County Early College High School (Pitt County Schools)
- Vernon Malone College and Career Academy (Wake County Schools)
- Watauga Career Academy (Watauga Career Academy)
- Wilson Academy of Applied Technology (Wilson County Schools)

HOUSE BILL 237
Committee Substitute Favorable 4/14/15
Corrected Copy 4/15/15
Fourth Edition Engrossed 4/15/15

Short Title: Repeal Personal Ed Plans/Modify Trans Plans. (Public)

Sponsors:

Referred to:

March 17, 2015

A BILL TO BE ENTITLED

AN ACT TO REPEAL PERSONAL EDUCATION PLANS AND MODIFY TRANSITION PLANS.

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; transition teams~~ failure and transition plans.**

(a) In order to implement Part 1A of Article 8 of this Chapter, local school administrative units shall identify students who are at risk for academic failure and who are not successfully progressing toward grade promotion and graduation, beginning in kindergarten. Identification shall occur as early as can reasonably be done and can be based on grades, observations, diagnostic and formative assessments, 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 instructional supports and services, reading interventions, and accelerated activities should include evidence-based 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. If a student's school report card provides all the information required in a personal education plan, then no further personal education plan is mandated for the student.~~

~~No cause of action for monetary damages shall arise from the failure to provide or implement a personal education plan under this section.~~

(b) Local boards of education shall adopt and implement rules that direct school improvement teams to develop~~plans for the creation of transition teams and~~ transition plans for

students at risk, as defined by the State Board of ~~Education.~~ Education. These transition plans are to assist ~~them~~ at risk students in making a successful transition between the elementary ~~school~~ and middle school years and between the middle ~~school~~ and high school years."

SECTION 2. G.S. 115C-83.7(c) reads as rewritten:

"(c) The superintendent shall determine whether a student may be exempt from mandatory retention on the basis of a good cause exemption. The following steps shall be taken in making the determination:

(1) The teacher of a student eligible for a good cause exemption shall submit documentation of the relevant exemption and evidence that promotion of the student is appropriate based on the student's academic record to the principal. Such evidence shall be limited to the student's ~~personal education plan,~~ individual education program, if applicable, alternative assessment, or student reading portfolio.

(2) The principal shall review the documentation and make an initial determination whether the student should be promoted. If the principal determines the student should be promoted, the principal shall make a written recommendation of promotion to the superintendent for final determination. The superintendent's acceptance or rejection of the recommendation shall be in writing."

SECTION 3. G.S. 115C-83.9(a) reads as rewritten:

"(a) Parents or guardians shall be notified in writing, and in a timely manner, that the student shall be retained, unless he or she is exempt from mandatory retention for good cause, if the student is not demonstrating reading proficiency by the end of third grade. Parents or guardians shall receive this notice when a kindergarten, first, second, or third grade student (i) is demonstrating difficulty with reading development; or (ii) is not reading at grade ~~level; or (iii) has a personal education plan under G.S. 115C-105.41.~~level."

SECTION 3.5. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by November 15, 2016, on how at risk students are identified and being served through interventions to prevent academic failure.

SECTION 4. This act is effective when it becomes law and applies beginning with the 2015-2016 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H 2

HOUSE BILL 878
Committee Substitute Favorable 4/21/15

Short Title: Expand Bd. of Trustees/Sch. of Science & Math. (Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-233(a) reads as rewritten:

"(a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees of the School, which shall consist of ~~27~~up to 30 members as follows:

(1) Thirteen members who shall be appointed by the Board of Governors of The University of North Carolina, one from each congressional district.

(2) Four members without regard to residency who shall be appointed by the Board of Governors of The University of North Carolina.

(3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent institutions. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers shall so serve, such designations to expire on June 30, 1989, and quadrennially thereafter.

(4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ex officio. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer shall so serve, such designation to expire on June 30, 1989, and quadrennially thereafter.

(5) Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(6) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) Two members appointed by the Governor.

(8) The president of the student government, ex officio, who shall be a nonvoting member.

(9) Up to two additional nonvoting members selected at the discretion of the chancellor and the Board of Trustees, with terms expiring June 30 of each year."

SECTION 2. G.S.116-234(d) reads as rewritten:

"(d) Members of the Board of Trustees, other than ex officio members under G.S. ~~116-233(a)(3),~~ 116-233(a)(3) and G.S. 116-233(a)(8), shall receive such per diem

compensation and necessary travel and subsistence expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions. Ex officio members under G.S. 116-233(a)(3) and G.S. 116-233(a)(8) shall be reimbursed for travel expenses as provided by G.S. 138-6."

SECTION 3. This act becomes effective July 1, 2015.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 878: Expand Bd. of Trustees/Sch. of Science & Math

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	May 13, 2015
Introduced by:	Reps. Jordan, Blackwell	**Prepared by:**	Kara McCraw*
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 878 would expand the membership of the Board of Trustees of the North Carolina School of Science and Mathematics from 27 members to up to 30 members by adding the president of the student government and up to 2 additional nonvoting members selected at the discretion of the chancellor and the Board of Trustees.***

CURRENT LAW: The Board of Trustees of the North Carolina School of Science and Mathematics consists of 27 members appointed as follows:

- 13 members appointed by the Board of Governors of The University of North Carolina (BOG), one from each congressional district.
- 4 members appointed by the BOG without regard to residency.
- 3 members, ex officio, who are the chief academic officers of constituent institutions of The University of North Carolina. The BOG designates the 3 institutions whose chief academic officers serve for 4 year terms and quadrennially thereafter.
- 1 member, ex officio, who is the chief academic officer of an independent college or university in the State. The BOG designates the institution whose chief academic officer serves for 4 year terms and quadrennially thereafter.
- 2 members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
- 2 members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

BILL ANALYSIS: House Bill 878 would expand the membership of the Board of Trustees of the North Carolina School of Science and Mathematics from 27 members to up to 30 members by adding the president of the student government as an ex officio nonvoting member and up to 2 additional nonvoting members selected at the discretion of the chancellor and the Board of Trustees.

EFFECTIVE DATE: The bill would become effective July 1, 2015.

** This summary was substantially contributed to by Drupti Chauhan, Staff Attorney.*

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

Senate Education/Higher Education May 13, 2015

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	MWC
Senita PORTLOCK	NCSSM
Peter Ojo	North Carolina School of Science and Mathematics
Ron Hinton	"
Cierra Hinton	NC School of Sci & Math
Annaliese Dolph	DL
Henry M Lancaster*	LCM
[signature]	NCAE
Adam Prideaux	NCASA
[signature]	NCSPA
Johnson Beasley	NC Alliance of YMCAs

Senate Education/Higher Education

VISITOR REGISTRATION SHEET

~~SENATE APPROPRIATIONS/BASE BUDGET~~ ~~April 1, 2015~~ May 13, 2015

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kimberly Andreassen	North Carolina School of Science & Mathematics
Tyler Fox	North Carolina School of Science & Math
Kristian Gaylord	North Carolina School of Science + Math
[illegible]	[illegible]
[illegible]	UNC Dept Const.
Matt Ellinwood	NC justice center
[illegible]	[illegible]
Jonathan Kappler	UNC GA
michelle Fowks	ECU
Kali Smith	NC School of Science and Math
Kathyn Scalf	NCSSM
Rank Williams	NCSSM

VISITOR REGISTRATION SHEET

Senate Education/Higher ~~Education~~ Education May 13, 2015

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sheree Vodicka	NC Alliance of YMCAs
Andrew Powers	NC Alliance of YMCA's
Kay Bagley	Connections Educators
Tom Bisson	Capstat
Starnes	DST

~~Education~~

VISITOR REGISTRATION SHEET

Senate Education / Higher Education — 5/13/15

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rachel Bard	NCDPI
Tom Stilwell	NCSBE
Hayden Barquess	FSP
Susan Vick	Duke Energy
Erik Pelletier	America Rising, LLC
Angel Sams	WCSR
Laura DeVivo	WCSR

VISITOR REGISTRATION SHEET

Senate Education/Higher Education 5/13/15

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rebecca Garland	DPI
Shana Thomas	DPI
Austin Pruitt	Perkinson Law
Richard Thompson	NCCHT
Susan Harrison	NCSSWA
Bruce Muldowney	NCSBA
Tom West	NCICU
Sue Ann Forrest	NCICU
Cheryl Posner-Cahill	NC School Psych Assoc
Leanne Winner	NCSBA
Carol Vandenberg	PENC

Senate Committee on Education/Higher Education
Wednesday, July 15, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 390	Beaufort Co. CC/Washington Co.	Representative Tine
HB 561	School System Auth. Re: Legal Proceedings.	Representative Blackwell Representative Glazier

Adjournment

Senate Committee on Education/Higher Education
Wednesday, July 15, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on July 15, 2015 in Room 544 of the Legislative Office Building. Fifteen members were present.

Senator Jerry W. Tillman presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Chairman Tillman recognized Senator Woodard who offered an amendment for **HB 390 Beaufort Co. CC/Washington Co.** The amendment passed and was rolled into a proposed committee substitute. Representative Tine was recognized to explain the bill.

Chairman Ronnie Smith, Martin County Board of Commissioners, was recognized and asked that HB 390 be modified to include Martin County. Curtis Potter, Washington County Attorney, was recognized and spoke in favor of the bill. Following public comments and questions from the committee members, Senator Woodard moved for a favorable report as amended rolled into a proposed committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. The motion passed.

With the proposed committee substitute before the committee, Chairman Tillman recognized Representative Blackwell to explain **HB 561 School System Auth. Re: Legal Proceedings.** Following questions from committee members, Senator Wade moved for a favorable report to the bill. The motion passed.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 11:40.

Senator Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, July 15, 2015

Senator Tillman,
submits the following with recommendations as to passage:

FAVORABLE

HB **561** **(CS#1)** School System Auth. Re: Legal Proceedings.

Draft Number:	None
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **390** **(CS#1)** Beaufort Co. CC/Washington Co.

Draft Number:	H390-PCS10411-TB-21
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Warren Daniel will handle HB 561
Senator Donald Davis will handle HB 390

HOUSE BILL 390
Committee Substitute Favorable 4/14/15
Third Edition Engrossed 4/16/15

Short Title: Beaufort Co. CC/Washington Co. (Public)

Sponsors:

Referred to:

March 31, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES OF BEAUFORT COUNTY COMMUNITY COLLEGE; TO PROVIDE THAT BEAUFORT COUNTY COMMUNITY COLLEGE SHALL SERVE ALL OF WASHINGTON COUNTY; AND TO DIRECT THE STATE BOARD OF COMMUNITY COLLEGES TO REVIEW SERVICE AREAS THAT INCLUDE MULTIPLE COMMUNITY COLLEGES FOR ONE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115D-12(a) reads as rewritten:

"(a) Each community college established or operated pursuant to this Chapter shall be governed by a board of trustees consisting of 13 members, or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection, who shall be selected by the following agencies. No member of the General Assembly may be appointed to a local board of trustees for a community college.

Group One – four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in G.S. 115D-59. No board of education shall elect a member of the board of education or any person employed by the board of education to serve as a trustee, however, any such person currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's current term.

Group Two – four trustees, elected by the board of commissioners of the county in which the main campus of the institution is located. ~~Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee.~~ Provided, also, if the administrative area of the institution is composed of two or more counties, the board of trustees of the institution may authorize the county commissioners of any county in which the main campus is not located to elect an additional board member. Provided, also, the county commissioners of the county in which the community college has established a satellite campus may elect an additional two members if the board of trustees of the community college agrees. No more than one trustee from Group Two may be a member of a board of county commissioners. Should the boards of education or the boards of commissioners involved be unable to agree on one or more trustees the senior resident superior

court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the position or positions by appointment.

Group Three – four trustees, appointed by the Governor.

Group Four – the president of the student government or the chairman of the executive board of the student body of each community college established pursuant to this Chapter shall be an ex officio nonvoting member of the board of trustees of each said institution."

SECTION 1.(b) This section applies only to Beaufort County Community College.

SECTION 2. The State Board of Community Colleges shall designate all of Washington County in the service area of Beaufort County Community College.

SECTION 2.5. G.S. 115D-5 is amended by adding a new subsection to read:

"(w) The State Board of Community Colleges shall review, at least every five years, service areas that include counties assigned to more than one community college to determine the feasibility of continuing to assign those counties to more than one community college. The State Board shall revise service areas as needed to ensure that counties are served effectively. The first review and any revisions shall be completed no later than March 1, 2016, and the State Board shall report its findings and any revisions to the Joint Legislative Education Oversight Committee no later than March 1, 2016. All subsequent reviews and revisions shall also be submitted to the Committee."

SECTION 3. Section 2 of this act is effective July 1, 2015. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 390

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

H390-ATB-13 [v.1]

Amends Title [NO]
Third Edition

Date _____,2015

Senator Woodard

moves to amend the bill on page 2, line 19, by rewriting the line to read:

"**SECTION 3.** Section 2 of this act is effective August 1, 2015, and applies to enrollments for the 2015 fall academic semester and beyond. The remainder of this".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

HOUSE BILL 561
Committee Substitute Favorable 4/15/15

Short Title: School System Auth. Re: Legal Proceedings. (Public)

Sponsors:

Referred to:

April 6, 2015

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE AUTHORITY OF SCHOOL SYSTEMS WITH REGARD TO LEGAL PROCEEDINGS AND INVESTIGATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-321(a) reads as rewritten:

"(a) All information contained in a personnel file, except as otherwise provided in this Chapter, is confidential and shall not be open for inspection and examination except to any of the following persons:

(1) The employee, applicant for employment, former employee, or his properly authorized agent, who may examine his own personnel file at all reasonable times in its entirety except for letters of reference solicited prior to employment.

(2) The superintendent and other supervisory personnel.

(3) Members of the local board of education and the board's attorney.

(4) A party by authority of a subpoena or proper court order may inspect and examine a particular confidential portion of an employee's personnel file.

(5) Any state or federal administrative agency that has a quasi-judicial function or any court of law, when disclosure is necessary in the discretion of the superintendent or superintendent's designee to adequately defend against a claim filed by a current or former employee against the local board of education or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosure shall be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the Board of Education."

SECTION 2. G.S. 115C-45(a) reads as rewritten:

"(a) Power to Subpoena and to Punish for Contempt. – Local boards of education shall have power to issue subpoenas for the attendance of ~~witnesses.~~witnesses and for the production of all tangible things, including, but not limited to, documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic communications, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics. Subpoenas for the attendance of witnesses may be issued in any and all matters which may lawfully come within the powers of the board and which, in the discretion of the board, require ~~investigation;~~investigation. ~~and it shall be the duty of the sheriff or any process serving officer to serve such subpoena upon payment of their lawful fees.~~ Subpoenas for the production of tangible things may be issued in matters where an employee is

suspected of committing job-related misconduct and which, in the discretion of the board or superintendent, require investigation. It shall be the duty of the sheriff or any process serving officer to serve such subpoena upon payment of their lawful fees.

Local boards of education shall have power to punish for contempt for any disorderly conduct or disturbance tending to disrupt them in the transaction of official business."

SECTION 3. This act becomes effective October 1, 2015.

HOUSE BILL 561:
School System Auth. Re: Legal Proceedings

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	July 15, 2015
Introduced by:	Reps. Blackwell, Glazier	**Prepared by:**	Drupti Chauhan
Analysis of:	Second Edition		Committee Counsel

SUMMARY: ***House Bill 561 would allow a state or federal administrative agency with a quasi-judicial function or any court of law to inspect confidential employee personnel records of a current or former employee of a local board of education in certain instances, and (2) provide a local board of education the authority to subpoena tangible items in matters where an employee is suspected of committing job-related misconduct.***

CURRENT LAW: G.S. 115C-321 requires information in personnel files of employees of local boards of education be kept confidential, with certain exceptions. Information required to be kept confidential is limited to inspection and examination by the following:

(1) The employee, applicant for employment, former employee, or the employee's agent;

(2) The superintendent and supervisory personnel;

(3) Members of the local board of education and the local board attorney; and

(4) A party by authority of a subpoena or court order.

Confidential information may also be made available to law enforcement in specified circumstances, and certain information may be released in the discretion of the local board of education if the board has determined that such release is essential to maintaining the board's integrity or in maintaining the level or quality of services provided by the board, as set out in a memorandum.

G.S. 115C-45 provides local boards of education with the power to issue subpoenas for the attendance of witnesses in any and all matters that may lawfully come within the powers of the board and which, in the discretion of the board, require investigation.

BILL ANALYSIS: House Bill 561 would make the following changes:

Section 1 would permit a state or federal administrative agency with a quasi-judicial function or court of law to inspect confidential portions of an employee's personnel file if all of the following apply:

1) A current or former employee has filed a claim against the local board of education or a school official or employee for any alleged act or omission arising during the course and scope of the employee's official duties or employment.
2) In the discretion of the superintendent or superintendent's designee, disclosure is necessary to adequately defend against the employee's claim.
3) Disclosure is limited to that employee's records only, and to the extent necessary for the defense of the local board of education.

Section 2 of HB 561 would empower local boards of education to issue subpoenas for the production of all tangible items in matters where an employee is suspected of committing job-related misconduct and

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

which, in the discretion of the board or superintendent, requires investigation. The types of tangible things to be subpoenaed could include but would not be limited to: documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic communications, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics.

EFFECTIVE DATE: HB 561 would become effective October 1, 2015.

Kara McCraw, counsel to House Judiciary Committee IV, and Jan Paul, counsel to Senate Judiciary II, substantially contributed to this summary.

VISITOR REGISTRATION SHEET

Education/Higher Education

(Committee Name)

July 15, 2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Stacey Gerard	Beaufort Co. Community College Washington NC
Tracey A. Johnson	Washington County Commissioner
Curtis S. Potter	Washington County Attorney
Jerry W. Rhodes	Washington County Manager
Bruce Mildwurf	NCSBA
Leanne Winner	NCCCSA
[illegible]	CSS
Joyce Peters	CSS
Elizabeth [illegible]	Hunt Institute

VISITOR REGISTRATION SHEET

Education/Higher Education

(Committee Name)

July 15, 2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marge Fordham	NCAE
Dev Sashidhar	—
Kim Hoar	Democracy NC
Gabrielle Hewins	Dem NC
Nia-Taylor Clark	Democracy NC
Nancy Clark-Shakir	Democracy NC
Zane Stilwell	NC SBE
Matt Ellinwood	NCJC
Cheryl Carter Ellis	Democracy NC
Drew Moretz	UNC GA
Betty Doster	UNC Charlotte
Jonathan Kappler	UNC GA
Mary Shuping	NCCCS
Emily Mac Hamrick	NCCCS
Caroline Jervo	
Phoebe Landon	Brooks Pierce
Jeri Griffin	Martin Community College

09-21-201

VISITOR REGISTRATION SHEET

Education/Higher Education

(Committee Name)

July 15, 2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Judy Jennette	Martin Community College
Dempsey Bond	" " "
Donna B. Clark	UNC Dept Corr

09-21-201

Request to Speak

~~VISITOR REGISTRATION SHEET~~

Education/Higher Education

(Committee Name)

July 15, 2015

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

	NAME	FIRM OR AGENCY AND ADDRESS
HB 390	Jeri Griffin	Martin Community College
~~HB~~ 390	Commissioner Ronnie Smith	Martin County Board of Commissioner
HB 390	Curtis Potter	Washington County Attorney
HB 390	Tracey Johnson	Washington County Commissioner
HB 390	Stacey Gerard	Beaufort Co. Community College

09-21-201

Senate Committee on Education/Higher Education
Wednesday, July 22, 2015, 11:00 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 334	Charter School Extracurricular Activity Fees.	Representative Jeter Representative Steinburg
HB 709	NCNG Tuition Assistance Benefit Amendment.	Representative G. Martin
SB 554	School Building Leasing Reform. FOR DISCUSSION ONLY	Senator Meredith Senator Curtis Senator Tillman

Adjournment

Senate Committee on Education/Higher Education
Wednesday, July 22, 2015 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on July 22, 2015 in Room 544 of the Legislative Office Building. Nineteen members were present.

Senator Dan Soucek, Chair, presided.

Chairman Soucek called the meeting to order at 11:05 and thanked the pages and the sergeants-at-arms.

He then recognized Senator Foushee, who moved for adoption of the proposed committee substitute (PCS) to **HB 334 Transfer Office of Charter Schools. (Representatives Jeter, Steinburg)**. Chairman Soucek then called on Senator Tillman and Drupti Chauhan of the General Assembly's Research Division to explain the PCS.

Following questions from members, Senator Tillman was recognized and offered an amendment to the PCS. Senator Rabin moved for adoption of the amendment and the motion passed.

After more questions from members, Senator Cook moved for a favorable report to the PCS as amended rolled into a new PCS, with a favorable report to the new PCS and an unfavorable report to the original bill. The motion passed.

Chairman Soucek then called on Representative Grier Martin to explain **HB 709 NCNG Tuition Assistance Benefit Amendment. (Representative G. Martin)**. Following a brief explanation, members were recognized for questions of Representative Martin. Chairman Soucek then recognized Senator Tarte, who moved for a favorable report to the bill. The motion passed.

Chairman Soucek then called on Senator Meredith to explain **SB 554 School Building Leasing Reform. (Senators Meredith, Curtis, Tillman)** and announced that the bill would be heard for discussion only. After a brief explanation, Chairman Soucek recognized members for questions of Senator Meredith and Mr. Robbie Farris of SFLA Architects.

With discussion concluded, Chairman Soucek thanked the members for attending and adjourned the meeting.

The meeting adjourned at 11:52AM.

Senator Dan Soucek, Chair
Presiding

John Clark, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Wednesday, July 22, 2015

Senator Soucek,
submits the following with recommendations as to passage:

FAVORABLE

HB **709** NCNG Tuition Assistance Benefit Amendment.

Draft Number:	None
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **334** **(CS#1)** Charter School Extracurricular Activity Fees.

Draft Number:	H334-PCS20383-TC-46
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Daniel Soucek will handle HB 709
Senator Jerry Tillman will handle HB 334

HOUSE BILL 334
Committee Substitute Favorable 4/21/15

Short Title: Charter School Extracurricular Activity Fees. (Public)

Sponsors:

Referred to:

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE CHARTER SCHOOL APPLICATION PROCESS AND TO ALLOW A CHARTER SCHOOL TO ESTABLISH FEES FOR EXTRACURRICULAR ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-218.1 is amended by adding a new subsection to read:

"(d) As part of the application review process, the State Board of Education and the North Carolina Charter Schools Advisory Board shall evaluate charter school applications for approval or rejection based upon the content and substance of the applications to determine whether boards of directors and charter schools may exhibit a higher likelihood of meeting the requirements set forth in G.S. 115C-218.5(a). Format issues with an application shall not impact the substantive review of the content of an application. The State Board of Education and the Advisory Board shall provide timely notification to an applicant of any format issues or incomplete information regarding the application and provide the applicant at least five business days to correct those issues in the application. The Advisory Board shall permit an applicant to address the Advisory Board regarding the application for at least 10 minutes immediately prior to any final vote on an application."

SECTION 2. G.S. 115C-218.5(a)(3) reads as rewritten:

"(3) Granting the application would achieve one or more of the purposes set out in ~~G.S. 115C-269.1.~~G.S.115C-218."

SECTION 3. G.S. 115C-218.50 reads as rewritten:

"**§ 115C-218.50. Charter school ~~nonsectarian.~~nonsectarian; fees.**

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other ~~operations and shall not charge tuition or fees, except that a charter school may charge any fees that are charged by the local school administrative unit in which the charter school is located.~~ operations. A charter school shall not be affiliated with a nonpublic sectarian school or a religious institution.

(b) A charter school shall not charge tuition or fees except as follows:

(1) A charter school may charge any fees that are charged by the local school administrative unit in which the charter school is located.

(2) A charter school, upon approval by the board of directors of the charter school, may establish fees for extracurricular activities, except those fees shall not exceed the fees for the same extracurricular activities charged by a local school administrative unit in which forty percent (40%) or more of the students enrolled in the charter school reside."

SECTION 4. Section 1 of this act is effective when it becomes law and applies to initial applications for and the renewal of a charter on or after that date. The remainder of this act is effective when it becomes law and applies beginning with the 2015-2016 school year.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 334
Committee Substitute Favorable 4/21/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H334-CSTC-46 [v.6]
7/20/2015 6:20:30 PM

Short Title: Transfer Office of Charter Schools. (Public)

Sponsors:

Referred to:

March 25, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE OFFICE OF CHARTER SCHOOLS LOCATED UNDER THE STATE BOARD OF EDUCATION; AND TO MODIFY THE CHARTER SCHOOL ADVISORY BOARD.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-218 reads as rewritten:

"**§ 115C-218. Purpose of charter ~~schools and~~ schools; establishment of North Carolina Charter Schools Advisory ~~Board.~~Board and North Carolina Office of Charter Schools.**

(a) Purpose of Charter Schools. – The purpose of this Article is to authorize a system of charter schools to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently of existing schools, as a method to accomplish all of the following:

(1) Improve student learning;

(2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as at risk of academic failure or academically gifted;

(3) Encourage the use of different and innovative teaching methods;

(4) Create new professional opportunities for teachers, including the opportunities to be responsible for the learning program at the school site;

(5) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and

(6) Hold the schools established under this Article accountable for meeting measurable student achievement results, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(b) North Carolina Charter Schools Advisory Board. –

(1) Advisory Board. – There is created the North Carolina Charter Schools Advisory Board, hereinafter referred to in this Article as the Advisory Board. The Advisory Board shall be located administratively ~~within the Department of Public Instruction~~under and shall report to the State Board of Education.

(2) Membership. – The State Superintendent of Public Instruction, or the Superintendent's designee, shall be the secretary of the Advisory Board and a

nonvoting member. The Chair of the State Board of Education shall appoint a member of the State Board to serve as a nonvoting member of the Advisory Board. The Advisory Board shall consist of the following 11 voting members:

a. Three members appointed by the ~~Governor, including the chair of the Advisory Board.~~Governor.

b. Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.

c. Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121.

d. One member appointed by the State Board of Education.

e. The Lieutenant Governor or the Lieutenant Governor's designee.

(3) Covered board. – The Advisory Board shall be treated as a board for purposes of Chapter 138A of the General Statutes.

(4) Qualifications of members. – Members appointed to the Advisory Board shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, assessment, curriculum and instruction, public charter schools, and public education law. All appointed members of the Advisory Board shall have demonstrated an understanding of and a commitment to charter schools as a strategy for strengthening public education.

(5) Terms of office and vacancy appointments. – Appointed members shall serve four-year terms of office beginning on July 1. No appointed member shall serve more than eight consecutive years. Vacancy appointments shall be made by the appointing authority for the remainder of the term of office.

(6) Presiding officers and quorum. – The Advisory Board shall annually elect a chair and vice-chair from among its membership. The chair shall preside over the Advisory Board's meetings. In the absence of the chair, the vice-chair shall preside over the Advisory Board's meetings. A majority of the Advisory Board constitutes a quorum.

(7) Meetings. – Meetings of the Advisory Board shall be held upon the call of the chair or the vice-chair with the approval of the chair.

(8) Expenses. – Members of the Advisory Board shall be reimbursed for travel and subsistence expenses at the rates allowed to State officers and employees by G.S. 138-6(a).

(9) Removal. – Any appointed member of the Advisory Board may be removed by a vote of at least two-thirds of the members of the Advisory Board at any duly held meeting for any cause that renders the member incapable or unfit to discharge the duties of the office.

(10) Powers and duties. – The Advisory Board shall have the following duties:

a. To make recommendations to the State Board of Education on the adoption of rules regarding all aspects of charter school operation, including time lines, standards, and criteria for acceptance and approval of applications, monitoring of charter schools, and grounds for revocation of charters.

b. To review applications and make recommendations to the State Board for final approval of charter applications.

c. To make recommendations to the State Board on actions regarding a charter school, including renewals of charters, nonrenewals of charters, and revocations of charters.

d. To undertake any other duties and responsibilities as assigned by the State Board.

(11) Duties of the Chair of the Advisory Board. – In addition to any other duties prescribed in this Article, the chair of the Advisory Board or the chair's designee shall advocate for the recommendations of the Advisory Board at meetings of the State Board upon the request of the State Board.

(c) North Carolina Office of Charter Schools. –

(1) Establishment of the North Carolina Office of Charter Schools. – There is established the North Carolina Office of Charter Schools, hereinafter referred to in this Article as the Office of Charter Schools. The Office of Charter Schools shall be located in the Office of the State Board of Education. The Office of Charter Schools shall consist of an executive director appointed by the State Board of Education and such other professional, administrative, technical, and clerical personnel as may be necessary to assist the Office of Charter Schools in carrying out its powers and duties. The executive director shall serve at the pleasure of the State Board of Education at a salary established by the State Board within the funds appropriated for this purpose.

(2) Powers and duties. – The Office of Charter Schools shall have the following powers and duties:

a. Serve as staff to the Advisory Board and fulfill any task and duties assigned to it by the Advisory Board.

b. Provide technical assistance and guidance to charter schools operating within the State.

c. Provide technical assistance and guidance to nonprofit corporations seeking to operate charter schools within the State.

d. Provide or arrange for training for charter schools that have received preliminary approval from the State Board.

e. Assist approved charter schools and charter schools seeking approval from the State Board in coordinating services with the Department of Public Instruction.

(3) Agency cooperation. – The Department of Public Instruction and all other State agencies and departments shall cooperate with the Office of Charter Schools in carrying out its powers and duties as necessary in accordance with this Article."

SECTION 1.(b) The Office of Charter Schools within the Department of Public Instruction is dissolved and the duties and functions of that office are transferred to the Office of Charter Schools located in the Office of the State Board of Education, established under G.S. 115C-218. This transfer shall have all of the elements of a Type I transfer, as defined in G.S. 143A-6.

SECTION 1.(c) Within 90 days of the date this act becomes law, the State Board of Education shall appoint an executive director of the Office of Charter Schools. The initial appointment of the executive director shall be upon the recommendation to the State Board of Education by a search committee comprised of the Lieutenant Governor, who will serve as chair of the committee, the Vice Chair of the State Board of Education, and one other member of the State Board of Education appointed by the State Board of Education.

SECTION 2. The Department of Public Instruction shall transfer to the Office of the State Board of Education nine hundred twenty eight thousand twenty eight dollars

($928,028) for the 2015-2016 fiscal year and nine hundred twenty eight thousand twenty eight dollars ($928,028) for the 2016-2017 fiscal year for the transfer and administration of duties and responsibilities of the Office of Charter Schools.

SECTION 3. G.S. 115C-218.5(a)(3) reads as rewritten:

"(3) Granting the application would achieve one or more of the purposes set out in G.S. ~~115C-269.1.~~G.S.115C-218."

SECTION 4. This act is effective when it becomes law. The Chair of the State Board of Education shall make the appointment to the North Carolina Charter Schools Advisory Board of a nonvoting member as required by G.S. 115C-218(b)(2), as amended by this act, within 45 days of the date this act becomes law. The North Carolina Charter Schools Advisory Board shall elect a chair as required by G.S. 115C-218(b)(6), as amended by this act, within 45 days of the date this act becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 334

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

H334-ARQ-29 [v.2]

Amends Title [NO]
H334-CSTC-46 [v.6]

Date _____,2015

Senator Tillman

moves to amend the bill on page 2, line 13 by rewriting that line to read:

"d. One member appointed by the State Board of ~~Education.~~Education who is not a current member of the State Board of Education and who is a charter school advocate in North Carolina.";

And on page 3, lines 49-50, by inserting the following between those lines:

"**SECTION 1.(d)** Notwithstanding G.S. 115C-218, as amended by subsection (a) of this section, the current members serving on the North Carolina Charter School Advisory Board as of the date this act becomes law shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a term, members on the Advisory Board shall be appointed in accordance with G.S. 115C-218, as amended by subsection (a) of this section.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

HOUSE BILL 334:
Charter School Extracurricular Activity Fees

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	July 22, 2015
Introduced by:	Reps. Jeter, Steinburg	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Counsel
Analysis of:	PCS to Second Edition H334-CSTC-46		

SUMMARY: House Bill 334 would require that charter school applications be evaluated based on content and substance and allow applicants to address the Charter School Advisory Board (Advisory Board) before final votes. It would also allow charter schools to establish fees for extracurricular activities that do not exceed the fees charged by a local school administrative unit in which 40% or more of the students enrolled in the charter school reside.

The Proposed Committee Substitute (PCS) for HB 334 would replace the contents of the bill with provisions to establish the Office of Charter Schools under the State Board of Education (SBE), modify the Advisory Board, and specify the duties of the chair of the Advisory Board.

CURRENT LAW: The Advisory Board is located within the Department of Public Instruction (DPI) as is the Office of Charter Schools. The Governor appoints the chair of the Advisory Board.

Duties of the Advisory Board include making recommendations to the SBE on the adoption of rules regarding all aspects of charter school operations; reviewing and making recommendations to the SBE on the final approval of charter applications; and making recommendations to the SBE on actions regarding charter schools, including renewals, nonrenewals, and revocations.

BILL ANALYSIS: **Section 1.(a)** would establish that the Advisory Board would be located administratively under the SBE. The Chair of the SBE would appoint a member of the SBE to serve as a nonvoting member of the Advisory Board. The Governor would still appoint 3 members but would no longer appoint the chair of the Advisory Board. The Advisory Board would annually elect the chair from its membership.

The chair of the Advisory Board or the chair's designee must advocate for the recommendations of the Advisory Board at the meetings of the SBE upon the request of the SBE.

The Office of Charter Schools would be statutorily created and placed in the Office of the SBE. The executive director would be appointed by the SBE. The Office of Charter Schools would have the following powers and duties:

- Serve as staff to the Advisory Board and fulfill duties assigned by the Advisory Board.
- Provide technical assistance and guidance to charter schools and nonprofit corporations seeking to operate charter schools.
- Provide for training for charter schools that have received preliminary approval from the SBE.
- Assist approved charter schools and charter schools seeking approval from the SBE in coordinating services with DPI.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent

Section 1.(b) would dissolve the Office of Charter Schools within DPI and transfer the duties and functions of that office to the Office of Charter Schools located in the Office of the SBE.

Section 1.(c) would require the SBE to appoint an executive director of the Office of Charter Schools within 90 days of the bill becoming law. The initial appointment would be upon the recommendation of a search committee comprised of the Lieutenant Governor, who will serve as chair of the committee, the Vice Chair of the SBE, and one other member of the SBE appointed by the SBE.

Section 2 would require DPI to transfer to the Office of the SBE $928,028 for the 2015-2016 and 2016-2017 fiscal years for the transfer and administration of duties and responsibilities of the Office of Charter Schools.

Section 3 would correct an incorrect statutory reference.

Section 4 provides that the Chair of the SBE must make the appointment of a nonvoting member to the Advisory Board within 45 days of the act becoming law. The Advisory Board must elect a chair also within 45 days of the date this act becomes law.

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

HOUSE BILL 709

Short Title:	NCNG Tuition Assistance Benefit Amendment.	(Public)
Sponsors:	Representative G. Martin (Primary Sponsor). *For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*	
Referred to:	Homeland Security, Military, and Veterans Affairs, if favorable, Education - Universities.	

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD WHO ARE ENROLLED IN A PROGRAM GRANTING A GRADUATE CERTIFICATE TO BE ELIGIBLE FOR THE NORTH CAROLINA NATIONAL GUARD TUITION ASSISTANCE BENEFIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-209.54(b) reads as rewritten:

"**§ 116-209.54. Eligibility.**

...

(b) This tuition assistance benefit shall be applicable to students in the following categories:

(1) Students seeking to achieve completion of their secondary school education at a community college or technical institute.
(2) Students seeking trade or vocational training or education.
(3) Students seeking to achieve a two-year associate degree.
(4) Students seeking to achieve a four-year baccalaureate degree.
(5) Students seeking to achieve a graduate degree.
(6) Students enrolled in a program granting a graduate certificate."

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

HOUSE BILL 709:
NCNG Tuition Assistance Benefit Amendment

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	**Date:**	July 22, 2015
Introduced by:	Rep. G. Martin	**Prepared by:**	Denise Adams* Legislative Analyst
Analysis of:	First Edition		

SUMMARY: ***House Bill 709 would extend eligibility for North Carolina National Guard tuition assistance to eligible North Carolina National Guard members enrolled in a program granting graduate certificates.***

CURRENT LAW: Tuition assistance is available under the North Carolina National Guard Tuition Assistance Act of 1975 to eligible[1] active members of the North Carolina National Guard who are enrolled or will enroll in any of the following: (i) an in-State business or trade school licensed by the State Board of Education; (ii) an in-State private educational institution which does not operate for profit; or (iii) a State educational institution, and are seeking:

- completion of their secondary school education at a community college or technical institute;
- trade or vocational training or education;
- two-year associate degree;
- four-year baccalaureate degree; or
- a graduate degree.

G.S. 116-209.54(b).

BILL ANALYSIS: House Bill 709 would amend G.S. 116-209.54(b) to extend eligibility for tuition assistance to eligible members of the North Carolina National Guard who are enrolled in a program granting a graduate certificate.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The North Carolina National Guard Assistance Program is administered by the State Education Assistance Authority. Active members of the National Guard may apply for the tuition assistance benefit and recipients meet eligibility criteria. Program funds are dispersed on a first-come, first-served basis until the annual funding is depleted.

**This summary was substantially contributed to by Bill Patterson, Staff Attorney.*

[1] To be eligible to receive this tuition assistance, the person must have a minimum obligation of two years remaining as a member of the North Carolina National Guard from the end of the academic period for which tuition assistance is provided, or must commit himself or herself to extended membership for at least two years from the end of that academic period. G.S. 116-209.54(a).

O. Walker Reagan
Director

H709-SMTB-39 E1 -V1

Research Division
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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S 1

SENATE BILL 554

Short Title:	School Building Leasing Reform.	(Public)
Sponsors:	Senators Meredith, Curtis, Tillman (Primary Sponsors); Lee and Smith-Ingram.	
Referred to:	Rules and Operations of the Senate.	

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASES FOR SCHOOL BUILDINGS AND OTHER FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-530 reads as rewritten:

"**§ 115C-530. ~~Operational~~ Operating leases of school buildings and school facilities.**

(a) Local boards of education may enter into ~~operational~~ operating leases of real or personal property for use as school buildings or school facilities. ~~Operational~~ Operating leases for terms of less than three years shall not be subject to the approval of the board of county commissioners. ~~Operational~~ Operating leases for terms of three years or longer, including periods that may be added to the original term through the exercise of options to renew or extend, are permitted if all of the following conditions are met:

(1) The budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation.

(2) An unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the lease for the current fiscal year.

(3) The leases are approved by a resolution adopted by the board of county commissioners. If an ~~operational~~ operating lease is approved by the board of county commissioners, in each year the county commissioners shall appropriate sufficient funds to meet the amounts to be paid during the fiscal year under the lease.

(4) Any construction, repair, or renovation of the property is in compliance with the requirements of G.S. 115C-521(c) relating to energy guidelines.

For purposes of this section, an ~~operational~~ operating lease is defined according to generally accepted accounting principles and may be for new or existing buildings. Any lease entered into pursuant to this section shall not be subject to the requirements of G.S. 143-128.1B.

(b) Local boards of education may enter into contracts for the construction, repair, or renovation of leased property if (i) the budget resolution includes an appropriation authorizing the obligation, (ii) an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year, and (iii) the construction, repair, or renovation is in compliance with the requirements of G.S. 115C-521(c) relating to energy guidelines. Construction, repair, or renovation work undertaken or contracted by a private developer is subject to the requirements of Article 8 of Chapter 143 of the General Statutes. Contracts for new construction and renovation that are

subject to the bidding requirements of G.S. 143-129(a) and which do not constitute continuing contracts for capital outlay must be approved by the board of county commissioners.

(b1) Approval by Local Board of Education. – A local board of education, before entering into an operating lease pursuant to this section, shall adopt a resolution as provided in this subsection. Before adopting the resolution, the local board of education shall publish a notice of its intent to enter into an operating lease at least 10 days in advance of the date of the meeting at which the action is contemplated and in a newspaper having general circulation within the geographic area served by the local board of education. The notice shall include, at a minimum, the date, time, and place of the meeting, a description in brief and general terms of the subject of the lease, the name of the other party to the lease, and an indication of the board's intent to take action to authorize the lease at the indicated meeting. The resolution shall provide the following:

(1) That entering into the operating lease for one or more specified buildings or facilities is in the local school administrative unit's best interests under all the circumstances. In making this evaluation, the local board of education may consider the time, cost, and quality of design, engineering, and construction, including the time required to commence and the time required to complete a particular activity; occupancy costs, including lease payments, life cycle maintenance, repair, and energy costs; and any other factors the board deems relevant.

(2) That the private developer is qualified to provide, either alone or in conjunction with other identified and associated persons, the products and services called for under the proposed operating lease and any related agreements. The local board of education shall make this determination taking into account any factors the local board of education deems relevant, including the knowledge, skill, and reputation of the provider and its associated persons, the goals and plans of providers for utilization of minority business enterprises, and the costs to be incurred by the local board of education.

(c) ~~Operational~~ Operating leases and contracts entered into under this section are subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3). For purposes of determining whether the standards set out in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar ($500,000) threshold shall apply."

SECTION 2. Section 3 of Session Law 2006-232, as rewritten by Section 1 of Session Law 2011-234, reads as rewritten:

"**SECTION 3.** This act is effective when it becomes ~~law and is repealed effective July 1, 2015.~~law."

SECTION 3. G.S. 105-164.14 reads as rewritten:

"**§ 105-164.14. Certain refunds authorized.**

...

(c) Certain Governmental or Other Entities. – A governmental or other entity listed in this subsection is allowed an annual refund of sales and use taxes paid by it under this Article on direct purchases of tangible personal property and services, other than electricity, telecommunications service, and ancillary service. Sales and use tax liability indirectly incurred by a governmental or other entity on building materials, supplies, fixtures, and equipment that become a part of or annexed to any building or structure that is owned or leased by the governmental or other entity and is being erected, altered, or repaired for use by the governmental or other entity is considered a sales or use tax liability incurred on direct purchases by the governmental or other entity for the purpose of this subsection. A request for a

refund must be in writing and must include any information and documentation required by the Secretary. A request for a refund is due within six months after the end of the governmental or other entity's fiscal year.

This subsection applies only to the following governmental entities:

...

(27) A private developer of a school leased to a county or a local board of education under an operating, capital, or build-to-suit lease, the term of which equals or exceeds 10 years.

...."

SECTION 4. G.S. 115C-426(f) reads as rewritten:

"(f) The capital outlay fund shall include appropriations for:

(1) The acquisition of real property for school purposes, including but not limited to school sites, playgrounds, athletic fields, administrative headquarters, and garages.

(2) The acquisition, construction, reconstruction, enlargement, renovation, or replacement of buildings and other structures, including but not limited to buildings for classrooms and laboratories, physical and vocational educational purposes, libraries, auditoriums, gymnasiums, administrative offices, storage, and vehicle maintenance.

(3) The acquisition or replacement of furniture and furnishings, instructional apparatus, data-processing equipment, business machines, and similar items of furnishings and equipment.

(4) The acquisition of school buses as additions to the fleet.

(5) The acquisition of activity buses and other motor vehicles.

(6) Lease payments for leases entered into under G.S. 115C-530 or G.S. 115C-531.

~~(6)~~(7) Such other objects of expenditure as may be assigned to the capital outlay fund by the uniform budget format.

The cost of acquiring or constructing a new building, or reconstructing, enlarging, or renovating an existing building, shall include the cost of all real property and interests in real property, and all plants, works, appurtenances, structures, facilities, furnishings, machinery, and equipment necessary or useful in connection therewith; financing charges; the cost of plans, specifications, studies, reports, and surveys; legal expenses; and all other costs necessary or incidental to the construction, reconstruction, enlargement, or renovation.

No contract for the purchase of a site shall be executed nor any funds expended therefor without the approval of the board of county commissioners as to the amount to be spent for the site; and in case of a disagreement between a board of education and a board of county commissioners as to the amount to be spent for the site, the procedure provided in G.S. 115C-431 shall, insofar as the same may be applicable, be used to settle the disagreement.

Appropriations in the capital outlay fund shall be funded by revenues made available for capital outlay purposes by the State Board of Education and the board of county commissioners, supplemental taxes levied by or on behalf of the local school administrative unit pursuant to a local act or G.S. 115C-501 to 115C-511, the proceeds of the sale of capital assets, the proceeds of claims against fire and casualty insurance policies, and other sources. Appropriations for the purposes set forth in subdivision (f)(6) of this section may be funded from staff and operational savings achieved through the consolidation of existing school facilities into new or renovated facilities leased from a private developer under G.S. 115C-530 or G.S. 115C-531."

SECTION 5. This act becomes effective July 1, 2015.

SENATE BILL 554:
School Building Leasing Reform

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Finance	**Date:**	July 22, 2015
Introduced by:	Sens. Meredith, Curtis, Tillman	**Prepared by:**	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

SUMMARY: Senate Bill 554 would provide additional flexibility to local boards of education to enter into leases for school buildings and facilities.

CURRENT LAW: Local boards of education can enter into leases of real or personal property for use as school buildings or school facilities. Leases that are for terms of less than 3 years are not subject to the approval of the board of county commissioners. Leases for terms of 3 years or longer are allowed if the following are met: (i) the budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation; (ii) an unencumbered balance remains in the appropriation that can pay in the current fiscal year the money obligated by the lease for that year; (iii) the leases are approved by the board of county commissioners; and (iv) any construction, repair, or renovation of the property is in compliance with energy guidelines.

Local boards of education can enter into contracts for the construction, repair, or renovation of leased property if the budget resolution includes money authorizing the obligation; an unencumbered balance remains in the appropriation that can pay in the current fiscal year the money obligated for that year; and the construction, repair, or renovation is in compliance with energy guidelines.

BILL ANALYSIS:

Section 1 of the bill provides that any operating lease that is entered into by a local board of education is not subject to the requirements of design-build bridging contracts. (G.S. 143.128.1B defines design-build bridging as a design and construction delivery process whereby a governmental entity contracts for design criteria services under a separate agreement from the construction phase services of the design builder).

This section also adds a new requirement that before a local board of education enters into an operating lease, it must adopt a resolution. Before adopting the resolution, the local board of education must publish a notice of its intent to enter into the operating lease. The notice must be at least 10 days before the meeting at which the action is contemplated and has to have a description of the subject of the lease, the name of the other party to the lease, and an indication of the board's intent to take action authorizing the lease. The resolution has to state the following: (i) that entering into the operating lease is in the best interest of the local school administrative unit and (ii) that the private developer is qualified to provide the products and services provides for in the proposed operating lease and related agreements.

Section 2 of the bill repeals the July 1, 2015 sunset on G.S.115C-531and G.S. 115C-532 which allows local boards of education to enter into capital leases with private developers for real or personal property for use as school buildings or school facilities.

O. Walker Reagan
Director

S554-SMRQ-47-E1-V2

Research Division
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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Section 3 of the bill allows private developers of a school leased to a county or a local board of education under an operating, capital, or build-to-suit lease where the lease term is equal to or exceeds 10 years would be allowed an annual refund of sales and use taxes by those developers.

Section 4 of the bill provides that the local capital outlay fund must include lease payments for operating and capital leases. Appropriations to the capital outlay fund for operating leases and capital leases may be funded from staff and operational savings from the consolidation of existing school facilities into new or renovated facilities leased from a private developer under the operating and capital leases statutes.

EFFECTIVE DATE: The bill would become effective July 1, 2015.

Senate Committee on Education/Higher Education
Thursday, July 23, 2015, 9:30 AM
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 13	Amend School Health Assessment Requirement.	Representative Torbett

Adjournment

Senate Committee on Education/Higher Education
Thursday, July 23, 2015 at 9:30 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 9:30 AM on July 23, 2015 in Room 544 of the Legislative Office Building. Fourteen members were present.

Senator Jerry W. Tillman presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Representative Torbett was recognized to explain **HB 13 Amend School Health Assessment Requirement.** Senator Tillman temporarily relinquished his chairman position to Senator Soucek. Senator Tillman was recognized and offered three amendments (see attachments). The amendments were adopted. Following comments and questions from the committee members, Senator Bingham moved for a favorable report to the bill as amended rolled into a proposed committee substitute, with a favorable report to the committee substitute and an unfavorable report to the original bill. The motion passed.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 9:57.

Senator Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Soucek, Co-Chair
Senator Tillman, Co-Chair

Thursday, July 23, 2015

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL NO. 2

HB **13** **(SCS#1)** Amend School Health Assessment Requirement.

Draft Number:	H13-PCS20385-TB-22
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator John Barefoot will handle HB 13

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H 4

HOUSE BILL 13
Committee Substitute Favorable 3/17/15
Third Edition Engrossed 3/24/15
Senate Health Care Committee Substitute Adopted 7/21/15

Short Title: Amend School Health Assessment Requirement. (Public)

Sponsors:

Referred to:

January 29, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE EACH CHILD PRESENTED FOR ADMISSION INTO THE PUBLIC SCHOOLS FOR THE FIRST TIME TO SUBMIT PROOF OF A HEALTH ASSESSMENT; TO REQUIRE THAT ABSENCES DUE TO THE FAILURE TO PRESENT THE HEALTH ASSESSMENT TRANSMITTAL FORM NOT RESULT IN SUSPENSIONS AND TO ALLOW STUDENTS TO MAKE UP THE WORK MISSED; TO SPECIFY WHAT INFORMATION SHALL BE INCLUDED ON THE HEALTH ASSESSMENT TRANSMITTAL FORM, WHO IS AUTHORIZED TO HAVE ACCESS TO THE FORM, AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO AMEND THE HEALTH ASSESSMENT TRANSMITTAL FORM AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 18 of Chapter 130A of the General Statutes reads as rewritten:

"Article 18.

"Health Assessments for ~~Kindergarten~~ Children in the Public Schools."

SECTION 2. G.S. 130A-440 reads as rewritten:

"**§ 130A-440. Health assessment required.**

(a) Every parent, or guardian, or person standing in loco parentis shall submit proof of a health assessment for each child in this State ~~entering kindergarten in~~ who is presented for admission into kindergarten or a higher grade in the public schools ~~shall receive a health assessment.~~ for the first time. The health assessment shall be made no more than 12 months prior to the date ~~of school entry.~~ the child would have first been eligible for initial entry into the public schools. No child ~~shall attend kindergarten~~ is eligible for initial entry into kindergarten or a higher grade in the public schools unless a health assessment transmittal form, developed pursuant to G.S. 130A-441, indicating that the child has received the health assessment required by this section, is presented to the school principal. The only health assessment transmittal form utilized by public schools shall be the form developed pursuant to G.S. 130A-441. The ~~medical provider,~~ health care provider specified in G.S. 130A-440(c), or the parent, guardian, or person standing in loco parentis, must present a completed health assessment transmittal form to the principal of the school on or before the child's first day of attendance. If a health assessment transmittal form is not presented on or before the child's first

~~day,~~day of attendance, the principal shall present a notice of deficiency to the parent, guardian, or ~~responsible person.~~ person standing in loco parentis. The parent, guardian, or ~~responsible person~~ person standing in loco parentis shall have 30 calendar days from the first day of attendance to present the required health assessment transmittal form for the child. Upon termination of 30 calendar days, the principal shall not permit the child to attend the school until the required health assessment transmittal form has been presented. A child shall not be suspended for absences accrued for failure to present the required health assessment transmittal form upon the termination of 30 calendar days, and the child shall be allowed to make up work missed in accordance with G.S. 115C-390.2(l). It shall be noted in the child's official school record when the health assessment transmittal form has been received.

(b) A health assessment shall include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. Vision screening shall be conducted in accordance with G.S. 130A-440.1. ~~The health assessment may also include dental screening and developmental screening for cognition, language, and motor function. The developmental screening of cognition and language abilities may be conducted in accordance with G.S. 115C-83.5(a).~~

(c) The health assessment shall be conducted by a physician licensed to practice medicine, a physician's assistant as defined in G.S. 90-18.1(a), a certified nurse practitioner, or a public health nurse meeting the Department's Standards for Early Periodic Screening, Diagnosis, and Treatment Screening.

(d) This Article shall not apply to children entering ~~kindergarten in~~ private church schools, schools of religious charter, or qualified nonpublic schools, regulated by Article 39 of Chapter 115C of the General Statutes.

(e) As used in this section, "parent, guardian, or person standing in loco parentis" means parent, legal guardian, legal custodian, and caregiver adult, as those terms are used in G.S. 115C-366."

SECTION 3. G.S. 130A-441 reads as rewritten:

"**§ 130A-441. Reporting.**

(a) Health assessment results shall be submitted ~~to the school principal by the medical provider~~ on the statewide standardized health assessment transmittal ~~forms~~ form developed by the Department and the Department of Public ~~Instruction.~~Instruction and submitted to the school principal by the health care provider specified in G.S. 130A-440(c) or the parent, guardian, or person standing in loco parentis for the student. The health assessment transmittal form shall include only the items listed below:

(1) A statement that the form and information on the form will be maintained on file in the school once it has been completed.

(2) The name of the school the student is attending or will attend.

(3) A student information section to be completed by the parent, guardian, or person standing in loco parentis for the student that requires the following about the student: first, middle, and last name; date of birth; sex; race; ethnicity; county of residence; and home address.

(4) A parent information section that includes the following: name of the parent, guardian, or person standing in loco parentis for the student; a telephone number; and space allowing the parent to share any concerns about the student's health with those individuals authorized to have access to the form in subsection (b) of this section.

(5) A section that includes the following information, if applicable, supplied by a health care provider specified in G.S. 130A-440(c):

a. A list of medications prescribed for the student.

b. A list of the student's allergies, the type of allergic reaction, and the response required.

c. Guidance regarding a special diet for the student.
d. Health-related recommendations to enhance the student's school performance.
e. Information on whether the student passed a vision screening and any concerns related to the student's vision.
f. Information on whether the student passed a hearing screening and any concerns related to the student's hearing.
g. An opportunity to indicate whether there are recommendations, concerns, or needs related to the student's health and whether school follow-up is needed.
h. An opportunity to provide comments.

(6) Instructions to the health care provider specified in G.S. 130A-440(c) to attach the student's current immunization record and any of the following applicable school health forms:
a. School medication authorization form.
b. Diabetes care plan.
c. Asthma action plan.
d. Health care plans for any other condition for which the school needs to be aware.

(7) A certification from a health care provider specified in G.S. 130A-440(c) stating: "I certify that I performed, on the student named above, a health assessment in accordance with G.S. 130A-440(b) that included a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. I certify that the information on this form is accurate and complete to the best of my knowledge."

(8) The date the health assessment was conducted.

(9) The health care provider's name, signature, telephone and fax number, and the name and address for the health care provider's practice.

(10) A section for the health care provider's stamp.

(b) ~~Each school having a kindergarten shall maintain on file the health assessment results.~~The form will be maintained on file in the school once it has been submitted. A student's official school record shall only reflect whether or not a health assessment transmittal form has been received. The ~~files~~health assessment transmittal form shall be open to inspection only by ~~the Department, the Department of Public Instruction, or their authorized representatives and persons inspecting the files~~authorized North Carolina public school administrators, teachers, and other school personnel who require such access to perform their assigned duties and by authorized employees of the Department of Health and Human Services who require such access to perform their assigned duties. These personnel shall maintain the confidentiality of the ~~files. Upon transfer of a child to another kindergarten, a copy of the health assessment results shall be provided upon request and without charge to the new kindergarten.~~form. Information contained on the health assessment transmittal form is confidential and is not a public record within the meaning of G.S. 132-1.

(c) Within 60 calendar days after the commencement of a new school year, the principal shall file a health assessment status report with the Department on ~~forms~~ a form developed by the Department and the Department of Public Instruction. The report shall document the number of newly enrolled children in compliance and not in compliance with G.S. 130A-440(a)."

SECTION 4.5. G.S. 115C-390.2 is amended by adding a new subsection to read:

"(l) Board policies shall state that absences under G.S. 130A-440 shall not be suspensions. A student subject to an absence under G.S. 130A-440 shall be provided the following:

(1) The opportunity to take textbooks home for the duration of the absence.

(2) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.

(3) The opportunity to take any quarterly, semester, or grading period examinations missed during the absence period."

SECTION 5. The Department of Health and Human Services and the Department of Public Instruction, pursuant to G.S. 130A-441, as amended by this act, shall develop a health assessment transmittal form for the 2016-2017 school year and shall report to the Joint Legislative Oversight Committee on Health and Human Services and to the Joint Legislative Education Oversight Committee on the revised health assessment transmittal form on or before December 1, 2015.

SECTION 6. Sections 1 through 4.5 of this act are effective when this act becomes law and apply to children enrolling in the public schools for the first time beginning with the 2016-2017 school year. The remainder of the act is effective when it becomes law.

HOUSE BILL 13:
Amend School Health Assessment Requirement

2015-2016 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	July 23, 2015
Introduced by:	Rep. Torbett	**Prepared by:**	Denise Adams*
Analysis of:	Fourth Edition		Legislative Analyst

SUMMARY: ***House Bill 13 does the following: requires each child entering the public schools for the first time to submit proof of a health assessment; provides that absences due to failure to submit the form are not suspensions and allows students to make up the missed work; specifies the information that can be included on the health assessment transmittal form; specifies who has access to the form; and requires a report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Education Oversight Committee.***

CURRENT LAW: Health assessments for children in the public schools are regulated under Article 18 of Chapter 130A of the General Statutes. Currently, no child is able to enter kindergarten in the North Carolina public schools without the completion of a heath assessment. The health assessment must be made not more than 12 months prior to entry. The required health assessment includes a medical history and physical examination with a screening for vision and hearing, as well as testing for anemia and tuberculosis, if appropriate. It may also include dental screening and developmental screening. The health assessment results must be submitted to the school principal on forms developed by the Department of Health and Human Services and the Department of Public Instruction.

BILL ANALYSIS: **Section 1** amends the title of Article 18 of Chapter 130A to reflect that under the bill each child entering public school for the first time will be required to have a health assessment, not just those children entering kindergarten. As provided in G.S. 130A-440(d), this Article does not apply to children entering private church schools, schools of religious charter, or qualified nonpublic schools, regulated by Article 39 of Chapter 115C.

Section 2 amends G.S. 130A-440 pertaining to the requirement for health assessments. The current law is amended as follows:

- A child entering public school for the first time at any grade will be required to have a health assessment. Currently only those entering kindergarten are required to have a health assessment.
- The health assessment must be made no more than 12 months prior to the date the child would have first been eligible for initial entry into the public schools.
- The statutes are amended in several places to clarify that there is only one health assessment transmittal form and it is the form developed pursuant to G.S. 130A-441.
- No child is eligible for initial entry into kindergarten or higher grade in the public schools unless a health assessment transmittal form is presented to the school principal. If the health assessment transmittal form is not presented on or before the child's first day of attendance, the principal will

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

submit a notice of deficiency to the parent, guardian, or person standing in loco parentis, who will have 30 calendar days from the first day of attendance to present the form. Upon the termination of 30 calendar days, the principal shall not permit the child to attend school until the form has been presented. This is the current process for kindergarten children and the fourth edition of the bill keeps the timeframe at 30 calendar days.

- The bill provides that a child is not be suspended for absences accrued for failure to present the health assessment transmittal form and will be allowed to make up work missed in accordance with G.S. 115C-390.2(l) which is contained in Section 4.5 of the bill.
- Consistent with the current law, the health assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. Under this edition of the bill, the permissive language allowing the health assessment to include dental screening and developmental screening is removed. (The developmental screening and kindergarten entry assessment pursuant to G.S. 115C-83.5 remains in place.)
- Changes are made to ensure consistent references in this section to "parent, guardian, or person standing in loco parentis."

Section 3 amends G.S. 130A-441 pertaining to reporting the health assessment results. The current law does not define what must be included on the health assessment transmittal form developed by the Department of Health and Human Services and the Department of Public Instruction. Under the bill, the health assessment transmittal form would include only the following items:

1) A statement that the form will be maintained on file in the school once it has been completed.
2) The **name of the school** the student is attending or will attend.
3) A **student information section** to be completed by the parent, guardian, or person standing in loco parentis for the student that requires the following about the student: first, middle, and last name; date of birth; sex; race; ethnicity; county of residence; and home address.
4) A **parent information section** that includes the following: name of the parent, guardian, or person standing in loco parentis for the student; a telephone number; and space allowing the parent to share any concerns about the student's health with those individuals authorized to have access to the form in subsection (b) of this section.
5) **A section that includes the following information, if applicable, supplied by a health care provider** specified in G.S. 130A-440(c):
    a. A list of medications prescribed for the student.
    b. A list of the student's allergies, the type of allergic reaction, and the response required.
    c. Guidance regarding a special diet for the student.
    d. Health-related recommendations to enhance the student's school performance.
    e. Information on whether the student passed a vision screening and any concerns.
    f. Information on whether the student passed a hearing screening and any concerns.
    g. An opportunity to indicate whether there are recommendations, concerns, or needs related to the student's health and whether school follow-up is needed.
    h. An opportunity to provide comments.
6) **Instructions to the health care provider to attach the student's current immunization record and any of the following applicable school health forms**:
    a. School medication authorization form.
    b. Diabetes care plan.
    c. Asthma action plan.

d. Health care plans for any other condition for which the school needs to be aware.

7) A certification from the health care provider indicating that they conducted a health assessment in accordance with G.S. 130A-440(b) and that the information on the form is accurate and complete to the best of their knowledge.
8) The date the health assessment was conducted.
9) The health care provider's name, signature, telephone and fax number, and the name and address for the health care provider's practice.
10) A section for the health care provider's stamp.

The health assessment transmittal form will be maintained on file in the school once it has been submitted. A student's official school record will only reflect whether or not a health assessment form has been received.

Under current law, the health assessment transmittal form is open to inspection by the DHHS, DPI, or their authorized representatives and persons. Under the bill, the health assessment transmittal form is open to inspection only by "authorized North Carolina public school administrators, teachers, and other school personnel who require such access to perform their assigned duties, and by authorized employees of the Department of Health and Human Services who require such access to perform their assigned duties." Section 3 also clarifies that, "Information contained on the health assessment transmittal form is confidential and is not a public record within the meaning of G.S. 132-1."

Section 4.5 makes conforming changes pertaining to disciplinary policies regarding student absences as a result of not submitting the health assessment transmittal form within the required time period. Under the bill, student absences for failure to submit the form will not count as suspensions and students subject to these absences will have (i) the opportunity to take textbooks home during the absence; (ii) the right to receive missed assignments; and (iii) the opportunity to make up missed exams during the absence period.

Section 5 requires the Department of Health and Human Services and the Department of Public Instruction to develop a health assessment transmittal form in accordance with the bill and report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Education Oversight Committee by December 1, 2015.

EFFECTIVE DATE: Sections 1-4.5 of the bill would become effective when they become law and apply to children enrolling in the public schools for the first time beginning with the 2016-17 school year. The remainder of the act is effective when it becomes law.

**Theresa Matula, Staff to the Senate Health Committee, substantially contributed to this summary.*

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 13

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

H13-ATB-15 [v.1]

Amends Title [NO]
Fourth Edition

Date _____,2015

Senator Tillman

moves to amend the bill on page 2, lines 13-16, by rewriting the lines to read:

"screening shall be conducted in accordance with G.S. 130A-440.1. The health assessment may also include dental screening and developmental screening for cognition, language, and motor function. The developmental screening of cognition and language abilities may be conducted in accordance with G.S. 115C-83.5(a).".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 13

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

H13-ATC-74 [v.2]

Amends Title [NO]
Fourth Edition

Date _____,2015

Senator Tillman

moves to amend the bill on page 3, lines 34-43, by rewriting those lines to read:

"been received. The ~~files~~health assessment transmittal form shall be open to inspection only by ~~the Department, the Department of Public Instruction, or their authorized representatives and persons inspecting the files~~authorized North Carolina public school administrators, teachers, and other school personnel who require such access to perform their assigned duties. These personnel shall maintain the confidentiality of the ~~files. Upon transfer of a child to another kindergarten, a copy of the health assessment results shall be provided upon request and without charge to the new kindergarten.~~form. Information contained on the health assessment transmittal form is confidential and is not a public record within the meaning of G.S. 132-1. The local board of education shall provide, upon request, de-identified health assessment information from the forms to authorized employees of the Department of Health and Human Services who require ~~such~~ information to perform their assigned duties.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 13

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

H13-ATC-75 [v.4]

Amends Title [NO]
Fourth Edition

Date _____ ,2015

Senator Tillman

moves to amend the bill on page 1, line 31-34, by rewriting those lines to read:

"G.S. 130A-441. ~~The medical provider, or the parent, guardian, or person in loco parentis, must present a~~ A completed health assessment transmittal form shall be presented to the principal of the school on or before the child's first day of ~~attendance.~~attendance by either (i) the parent, guardian, or person standing in loco parentis or (ii) the health care provider specified in G.S. 130A-440(c), if authorized in writing by the parent, guardian, or person standing in loco parentis. If a health assessment transmittal form is not presented on or before the child's first"'

and on page 2, lines 32-33, by rewriting those lines to read:

"school principal by either (i) the parent, guardian, or person standing in loco parentis for the student or (ii) the health care provider specified in G.S. 130A-440(c), if authorized in writing by the parent, guardian, or person standing in loco parentis. The health assessment transmittal".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

7-23-15

Date

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Bob Luebke	" "

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

7-23-15

Date

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09-21-201

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2015-2016 Session

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NORTH CAROLINA GENERAL ASSEMBLY

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2015-2016 Session

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North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

2015-2016 Biennium
Leg. Day: H-176/S-181

Date: 08/04/2016
Time: 1:22:32 PM

Bill	Introducer	Short Title		Latest Action	Date In	Date Out
H 13	Torbett	Amend School Health Assessment Requirement.	*R	Ch. SL 2015-222	07/21/2015	07/23/2015
$ H 18	**Martin**	**Continuing Budget Authority.**	***R**	**Ch. SL 2015-233**	**05/05/2015**	**05/13/2015**
H 19	Graham	Modify Definition of Firefighter.	*R	Ch. SL 2016-51	07/15/2015	05/24/2016
H 162	Carney	Sudden Cardiac Arrest Education/Students.	*S	Re-ref Com On Education/Higher Education	06/01/2015	
H 188	Hager	Trustee Appointments/Isothermal Comm. Coll.	*R	Ch. SL 2015-243	05/07/2015	09/15/2015
H 237	Elmore	Repeal Personal Ed Plans/Modify Trans Plans.	*R	Ch. SL 2015-46	05/06/2015	05/13/2015
H 242	Faircloth	Various Charter School Law Changes.	*R	Ch. SL 2016-79	05/31/2016	06/08/2016
H 334	Jeter	Charter School & Other Education Laws Changes	*R	Ch. SL 2015-248	07/14/2015	07/22/2015
H 358	Johnson	School Performance Grade Scale.	R	Ch. SL 2015-17	04/01/2015	05/06/2015
H 390	Tine	Beaufort Co. CC/Washington Co.	*R	Ch. SL 2015-167	06/04/2015	07/15/2015
H 393	West	Tri-County CC/Bd. of Trustees.	R	Ch. SL 2015-12	04/16/2015	05/06/2015
H 474	Dobson	Exclude Yr-Round Track-Out Program/Child Care.	*R	Ch. SL 2016-7	05/09/2016	05/11/2016
H 488	Reives	Central Carolina CC/Bd. of Trustees.	R	Ch. SL 2015-252	07/13/2015	09/22/2015
H 539	Bradford	Charter School Funding.	*H	Re-ref Com On Education - K-12	05/22/2015	09/17/2015
H 561	Blackwell	School System Auth. Re: Legal Proceedings.	*R	Ch. SL 2016-116	06/25/2015	07/15/2015
H 632	Saine	Student Online Protection Act.	*R	Ch. SL 2016-11	05/23/2016	05/24/2016
H 657	Elmore	Math Standard Course of Study Revisions.	*S	Conf Com Appointed	05/31/2016	06/08/2016

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

H 709	Martin	NCNG Tuition Assistance Benefit Amendment.	R	Ch. SL 2015-298	07/15/2015	07/22/2015
H 878	Jordan	Expand Bd. of Trustees/Sch. of Science & Math.	*R	Ch. SL 2015-30	05/07/2015	05/13/2015
H1035	McNeill	LGC/Training for Local Gov't Finance Officers.	*R	Ch. SL 2016-84	06/14/2016	06/22/2016
$ H1080	**Bryan**	**Achievement School District.**	***R**	**Ch. SL 2016-110**	**06/23/2016**	**06/24/2016**
S 37	Smith	Waive Tuition/Fallen Officer Was Guardian.	*R	Ch. SL 2015-296	02/09/2015	03/04/2015
S 95	Barefoot	Performance-Based RIF/School Policy.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04/20/2015	04/28/2015
S 97	Davis	State Advisory Council on Indian Education.	*R	Ch. SL 2015-295	03/18/2015	04/28/2015
S 176	Rabin	Charter School Grade Level Expansion.	H	Ref To Com On Education - K-12	03/18/2015	03/25/2015
S 211	Tillman	Damages for Late Payment of Monies/Charters.	*H	Re-ref Com On Judiciary I	04/15/2015	04/28/2015
S 251	Clark	In-State Tuition For Certain Veterans.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	03/23/2015	
S 279	Barefoot	Amend Qualifications/Practice of Counseling.	*R	Ch. SL 2015-279	03/23/2015	04/01/2015
S 289	Barefoot	Education Preparation Reform Act.	S	Re-ref Com On Education/Higher Education	03/23/2015	
S 298	Alexander	School Bus Cameras/Civil Penalties.	*H	Re-ref Com On Appropriations	03/24/2015	04/01/2015
S 315	Pate	School Playgrounds Available to Public.	*R	Ch. SL 2015-64	03/24/2015	04/01/2015
S 328	Davis	Community College Audits.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	03/25/2015	
S 330	McInnis	Change Orders on School Construction Projects.	*R	Ch. SL 2016-58	03/25/2015	04/22/2015
S 333	Soucek	Teacher Transition Data.	*R	Ch. SL 2015-126	03/26/2015	04/15/2015
S 334	Soucek	SBCC Election.	R	Ch. Res 2015-4	03/23/2015	03/25/2015

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North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

S 343	Tillman	Student Assault on Teacher/Felony Offense.	*H	Re-ref to the Com on Children, Youth, and Families, if favorable, Judiciary III	03/25/2015	04/15/2015
S 400	Barringer	School Access for Boy Scouts/Girl Scouts.	*R	Ch. SL 2015-249	03/30/2015	04/28/2015
S 401	Barringer	Pilot/Sports for Students w/ Disabilities.	S	Re-ref Com On Appropriations/Base Budget	03/26/2015	04/22/2015
S 456	Tillman	Charter School Modifications.	*H	Re-ref Com On Appropriations	04/15/2015	04/28/2015
S 474	McKissick	Affirmative Consent Standard.	S	Re-ref to Education/Higher Education. If fav, re-ref to Health Care. If fav, re-ref to Judiciary II. If fav, re-ref to Appropriations/Base Budget	03/30/2015	
S 478	Brown	In-State Tuition For Certain Vets/Fed Prog.	*R	Ch. SL 2015-116	03/30/2015	04/28/2015
S 480	Wells	Uniform Political Activity/Employees.	*H	Ref To Com On Rules, Calendar, and Operations of the House	03/30/2015	04/22/2015
S 494	Davis	Student Attendance Recognition.	S	Re-ref Com On Education/Higher Education	03/30/2015	
S 523	Curtis	Avoid Double Billing of State Taxpayers.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	04/15/2015	
S 524	Curtis	Grad Requirements/Sports Pilot.	*R	Ch. SL 2015-291	03/30/2015	04/28/2015
$ S 527	**Tarte**	**Wounded Warrior Motorsport Scholarship/Funds.**	**S**	**Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**03/30/2015**	
$ S 535	**Barefoot**	**NC Works Career Coaches.**	**S**	**Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**04/06/2015**	
S 536	Barefoot	Students Know Before You Go & Central Resid.	*R	Ch. SL 2016-57	04/06/2015	04/22/2015
S 554	Meredith	School Building Leases.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04/20/2015	06/24/2016
$ S 561	**Barefoot**	**Funds for Special Education Scholarships.**	***S**	**Re-ref Com On Rules and Operations of the Senate**	**04/09/2015**	**04/28/2015**

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

North Carolina General Assembly
Through Senate Committee on
Education/Higher Education

S 585	Davis	Create HBCU Advisory Board.	S	Re-ref Com On Education/Higher Education	04/09/2015	
S 593	McInnis	Improve Professor Quality/UNC System.	S	Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	04/15/2015	
$ S 594	**McInnis**	**Teach for North Carolina Pilot Program.**	**S**	**Re-ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**04/09/2015**	
S 595	McInnis	School Safety Act.	S	Re-ref to Education/Higher Education. If fav, re-ref to Judiciary II	04/09/2015	
S 597	Tillman	Repeal References to ABCs.	*R	Ch. SL 2015-65	04/27/2015	04/28/2015
S 649	Sanderson	Access to Sports/Extracurr. for All Students.	S	Re-ref Com On Education/Higher Education	04/20/2015	
S 670	Apodaca	Term Limits for BOG Members.	*R	Ch. SL 2015-300	03/30/2015	04/22/2015
S 740	Barefoot	Collaboration of State Agencies/Early Educ.	S	Ref to Education/Higher Education. If fav, re-ref to Health Care	04/26/2016	
S 742	Davis	Opp. Scholarship Military Child Eligibility.	S	Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	04/26/2016	
S 799	Pate	NC-PreK Conforming Change.	S	Ref To Com On Education/Higher Education	05/03/2016	
$ S 836	**Barefoot**	**Alternative Teacher Preparation.**	**S**	**Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**05/11/2016**	
S 845	Waddell	UNC Fixed Tuition Plan.	S	Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget	05/11/2016	
$ S 862	**Barefoot**	**Opp. Scholarships Forward Funding.**	**S**	**Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget**	**05/11/2016**	
S 867	Barefoot	Protect Students in Schools.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05/11/2016	05/24/2016
S 873	Apodaca	Access to Affordable College Ed. Act.	*S	Re-ref Com On Rules and Operations of the Senate	05/11/2016	05/25/2016

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A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

S 881	Tucker	Union County School Funding.	R	Ch. SL 2016-18	05/19/2016	05/24/2016
S 888	Apodaca	Buncombe School Capital Fund Commission.	*R	Ch. SL 2016-19	05/23/2016	06/06/2016

'$' indicates the bill is an appropriations bill.
A bold line indicates that the bill is an appropriations bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill

Senate Committee on Education/Higher Education
May 11, 2016, 11:00 a.m.
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 474	Healthy Out-of-School Recognition Program	Representative Dobson Representative Whitmire Representative Hardister Representative B. Turner

Adjournment

Senate Committee on Education/Higher Education
Wednesday, May 11, 2016 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on May 11, 2016 in Room 544 of the Legislative Office Building. 17 members were present.

Senator Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Senator Barefoot was recognized and explained the adopted Proposed Committee Substitute for **HB 474 Exclude Yr-Round Track-Out Program/Child Care.** Following questions from the committee members, Senator Krawiec was recognized and moved for a favorable report and the motion passed.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 11:16 AM.

Senator Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Tillman, Co-Chair

Wednesday, May 11, 2016

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **474** **(CS#1)** Healthy Out-of-School Recognition Program.

Draft Number:	H474-PCS40616-TW-22
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator John Barefoot will handle HB 474

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 474
Committee Substitute Favorable 4/21/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H474-CSTW-22 [v.1]
05/10/2016 09:19:58 AM

Short Title: Exclude Yr-Round Track Out Program/Child Care. (Public)

Sponsors:

Referred to:

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO INCLUDE IN THE TYPES OF PROGRAMS THAT DO NOT CONSTITUTE THE PROVISION OF CHILD CARE TRACK OUT PROGRAMS FOR CHILDREN WHO ATTEND YEAR-ROUND SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 110-86(2) reads as rewritten:

"**§ 110-86. Definitions.**

Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows:

...

(2) Child care. – A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

...

i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; ~~and~~

j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each ~~component.~~component; and

k. Track out programs provided to school-age children when they are out of school on a year-round school calendar."

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

HOUSE BILL 474: Exclude Yr-Round Track Out Program/Child Care.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	May 11, 2016
Introduced by:	Reps. Dobson, Whitmire, Hardister, B. Turner	**Prepared by:**	James R Ritter
Analysis of:	PCS to Second Edition H474-CSTW-22		Legislative Analyst

SUMMARY: The Proposed Committee Substitute (PCS) for House Bill 474 adds track-out programs provided to school-age children when they are out of school on a year-round school calendar to the exceptions from the statutory definition of child care.

CURRENT LAW: Article 7 of Chapter 110 of the General Statutes sets out requirements for the provision of child care in North Carolina. Child care facilities must meet certain minimum standards to be licensed to operate, and it is unlawful to operate a child care facility without being licensed. The definition of "child care facility" includes child care centers, family child care homes, and other child care arrangements. However, the definition of "child care" under G.S. 110-86 specifically excludes a number of care arrangements. There is no exception that pertains to short-term care provided by track-out programs provided for school-age children when they are out of school during year-round school breaks or vacations.

BILL ANALYSIS: G.S. 110-86(2) is amended to add an exception from the definition of child care for track-out programs that are provided for school-age children when they are out of school on a year-round calendar.

EFFECTIVE DATE: This act is effective when it becomes law.

Karen Cochrane-Brown
Director

H474-SMTW-80 CSTW-22 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

5-11-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	MWC
	YMCA of the Triangle
	NC alliance of YMCAs
Sarah Wolfe	MWC
Harry Kaplan	MWC
Christina Hay	
JULIE KOWAL	BEST NC
Tommy	NWIA
Kay Castillo	NASW-NC
Matt Gross	NCPC
Sarah McC	SSGNC
Lynn Harvey	NCDPI
Mbrooke	NCCAT
Amy McConkey	NCBCE
Jonathan Kappler	UNC GA
Drew Moretz	UNC GA
Nikki Baker	UNCG

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

5-11-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Laura, Mary	UWNC
Rob Lamm	PLA
Adam Prideaux	NCHSAA
Joel Maynard	GPH : ASSOC
Dick Doak	Beginning
Wendy Kelly	Focus Carolina
Robb Jansen	State Board of Ed.
Penny Burpo	School Gov.
Katy Kingsbury	BP
Chris Emanuel	CC Emanuel Group
Carmen Hooker	Moore & Van Allen
Margie Peppers	NCHE
Ashley Parkinson	Parkinson Law
Kris Nordstrom	NC Justice Center
Rachel Bachi	NCDPI
Phoebe Landon	NWC
Nique Williams	NCGA

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

5-11-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Morgan Grannann	NL Alliance for Health
Kelsey Vetter	American Heart Association
[signature]	MLC

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

5-11-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Susan Hanna	NCSSWA

09-21-201

Senate Committee on Education/Higher Education
May 24, 2016, 11:00 a.m.
643 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 867	Protect Students in Schools	Senator Barefoot Senator Wade Senator Newton
HB 632	Study Student Online Data Privacy	Representative Saine

Adjournment

Senate Committee on Education/Higher Education
Tuesday, May 24, 2016 at 11:00 AM
Room 643 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on May 24, 2016 in Room 643 of the Legislative Office Building. 21 members were present.

Senator Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Senator Barefoot was recognized and explained the adopted Proposed Committee Substitute for **HB 632 Student Online Protection Act.** Following questions from the committee members, Senator Wade was recognized and moved for a favorable report and the motion passed.

Senator Barefoot was recognized and explained the adopted Proposed Committee Substitute for **SB 867 Protect Students in Schools.** Following questions from the committee members, Senator Wade was recognized and moved for a favorable report and the motion passed. SB 867 received a sequential referral to Judiciary I.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at11:47 AM.

Senator Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Tuesday, May 24, 2016

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **867** Protect Students in Schools.

Draft Number:	S867-PCS15374-TC-74
Sequential Referral:	Judiciary I
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Chad Barefoot will handle SB 867

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Tuesday, May 24, 2016

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **632** Study Student Online Data Privacy.

Draft Number:	H632-PCS40631-TC-68
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Chad Barefoot will handle HB 632

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 867
PROPOSED COMMITTEE SUBSTITUTE S867-CSTC-74 [v.4]
05/23/2016 06:13:26 PM

Short Title: Protect Students in Schools. (Public)

Sponsors:

Referred to:

May 11, 2016

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR TEACHER LICENSURE AND SCHOOL PERSONNEL EMPLOYMENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115C-296 reads as rewritten:

"**§ 115C-296. Board sets licensure requirements; reports; lateral entry and mentor programs.**

(a) The State Board of Education shall have entire control of licensing all applicants for teaching positions in all public schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all licenses and shall determine and fix the salary for each grade and type of license which it authorizes.

The State Board of Education shall require an applicant for an initial bachelors degree license or graduate degree license to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score on a standard examination appropriate and adequate for that purpose. Elementary education (K—6) and special education general curriculum teachers shall also achieve a prescribed minimum score on subtests or standard examinations specific to teaching reading and mathematics. The State Board of Education shall permit an applicant to fulfill any such testing requirement before or during the applicant's second year of teaching provided the applicant took the examination at least once during the first year of teaching. The State Board of Education shall make any required standard initial licensure exam rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has received high-quality academic and professional preparation to teach effectively.

The State Board of Education shall require all applicants for licensure in the State to be checked for a criminal history, as provided in G.S. 115C-297.1.

(a1) The State Board shall adopt policies that establish the minimum scores for any required standard examinations and other measures necessary to assess the qualifications of professional personnel as required under subsection (a) of this section. For purposes of this subsection, the State Board shall not be subject to Article 2A of Chapter 150B of the General Statutes. At least 30 days prior to changing any policy adopted under this subsection, the State Board shall provide written notice to all North Carolina schools of education and to all local boards of education. The written notice shall include the proposed revised policy.

(a2) The State Board of Education shall establish a schedule of fees for teacher licensure and administrative changes. The fees established under this subsection shall not exceed the actual cost of providing the service. The schedule may include fees for any of the following services:

(1) Application for demographic or administrative changes to a license.

(2) Application for a duplicate license or for copies of documents in the licensure files.
(3) Application for a renewal, extension, addition, upgrade, reinstatement, and variation to a license.
(4) Initial application for a New, In-State Approved Program Graduate.
(5) Initial application for an Out-of-State license.
(6) All other applications.
(7) Criminal history check.

An applicant must pay any nonrefundable service fees at the time an application is submitted.
...."

SECTION 1.(b) Article 20 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-297.1. School personnel criminal history checks.**

(a) As used in this section, the following terms are defined:

(1) Applicant. – An individual who submits an applicant for licensure as provided in G.S. 115C-296, including initial applications, renewal applications, and applications for licensure reinstatement.

(2) Criminal history. - A county, state, or federal criminal history of conviction of, or a plea of nolo contendere to, a crime, whether a misdemeanor or a felony, that indicates the applicant (i) poses a threat to the physical safety of students or personnel, (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel, or (iii) otherwise fails to meet the standards and criteria adopted by the State Board of Education governing ethics and moral character required for professional educators. Such crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7B, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. Such crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subsection, such crimes also include similar crimes under federal law or under the laws of other states.

(b) The State Board of Education shall require applicants who have not been previously licensed in the State to be checked for a criminal history before the applicant is issued a license. The State Board of Education shall require an applicant to pay for the criminal history check authorized under this subsection, but a local board of education may pay for the criminal history check on behalf of the applicant.

(c) The Department of Public Safety shall provide to the State Board of Education the criminal history from the State and National Repositories of Criminal Histories of any applicant for initial licensure. The State Board of Education shall require the person to be checked by the Department of Public Safety to (i) be fingerprinted and to provide any additional information required by the Department of Public Safety to a person designated by the State Board of Education and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The State Board of Education shall not issue a license to an individual who refuses to consent to a criminal history check.

(d) The State Board of Education shall review the criminal history it receives on a person. The State Board of Education shall determine whether the results of the review indicate that the applicant (i) poses a threat to the physical safety of students or personnel, (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as public school personnel, or (iii) otherwise fails to meet the standards and criteria adopted by the State Board of Education governing ethics and moral character required for professional educators, and shall use the information when making licensure decisions. If the State Board of Education denies an applicant based on its review of the criminal history it receives, the State Board of Education shall make written findings with regard to how it used the information when making licensure decisions.

(e) All the information received by the State Board of Education through the checking of the criminal history in accordance with this section is privileged information and is not a public record but is for the exclusive and confidential use of the State Board of Education. The State Board of Education may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(f) There shall be no liability for negligence on the part of the State Board of Education, or its employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General Statutes.

(g) Any applicant for licensure who willfully furnishes, supplies, or otherwise gives false information on a licensure application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor."

SECTION 1.(c) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-931.1. Criminal background checks for applications for teacher licenses.**

The Department of Public Safety may provide to the State Board of Education from the State and National Repositories of Criminal Histories the criminal history of any applicant for licensure for a teaching position under Article 20 of Chapter 115C of the General Statutes. Along with the request, the Board shall provide to the Department of Public Safety the fingerprints of the applicant, a form signed by the applicant consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories of Criminal Histories, and any additional information required by the Department of Public Safety. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The State Board of Education shall keep all information obtained pursuant to this section confidential. The Department of Public Safety may charge a fee to offset the cost incurred by it to

conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information."

SECTION 2.(a) G.S. 115C-218.90(b) reads as rewritten:

"(b) Criminal History Checks. –

(1) ~~If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks under G.S. 115C-332, then the~~The board of directors of each charter school ~~located in that local school administrative unit~~ shall adopt a policy ~~mirroring the local board of education policy~~ that requires an applicant for employment to be checked for a criminal history, as ~~defined~~ provided in G.S. 115C-332. Each charter school board of directors shall apply its policy uniformly in requiring applicants for employment to be checked for a criminal history before the applicant is given an unconditional job offer. A charter school board of directors may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check.

(1a) The charter school board of directors shall require the person to be checked by the Department of Public Safety (i) to be fingerprinted and to provide any additional information required by the Department of Public Safety to a person designated by the board of directors or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) to sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The board of directors shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Public Safety shall provide to the charter school board of directors the criminal history from the State and National Repositories of Criminal Histories of the school personnel for which the charter school board of directors requires a criminal history record check.

(2) There shall be no liability for negligence on the part of the State Board of Education or the board of directors of the charter school, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this subsection. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(3) All the information received by the charter school board of directors through the checking of the criminal history or by the State Board of Education in accordance with this section is privileged information and is not a public record but is for the exclusive use of the charter school board of directors or the State Board of Education. The charter school board of directors or the State Board of Education may destroy the information after it is used for the purposes authorized by this section after one calendar year."

SECTION 2.(b) G.S. 115C-238.73 reads as rewritten:

"**§ 115C-238.73. Criminal history record checks.**

...

(b) The board of directors shall adopt a policy ~~on whether and under what circumstances school personnel shall be required to be~~that requires an applicant for a school personnel position to be checked for a criminal ~~history.~~ history as provided in subsection (c) of this section. The board of directors shall apply its policy uniformly in requiring applicants for school personnel positions to be checked for a criminal history. The board of directors may grant conditional approval of an application while the board of directors is checking a person's criminal history and making a decision based on the results of the check. An applicant for a school personnel position shall not be required to be checked for a criminal history if he or she has received a license within six months of employment that required a criminal history check equivalent to the criminal history check required in subsection (c) of this section.

The board of directors ~~shall not~~may require ~~school personnel~~an applicant to pay for the criminal history record check authorized under this section.

(c) The board of directors shall require the person to be checked by the Department of Public Safety (i) to be fingerprinted and to provide any additional information required by the Department of Public Safety to a person designated by the board of directors or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) to sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The board of directors shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Public Safety shall provide to the board of directors the criminal history from the State and National Repositories of Criminal Histories of any school personnel for which the board of directors requires a criminal history record check.

~~The board of directors shall not require school personnel to pay for the fingerprints authorized under this section.~~

...."

SECTION 2.(c) G.S. 115C-332 reads as rewritten:

"**§ 115C-332. School personnel criminal history checks.**

...

(b) Each local board of education shall adopt a policy ~~on whether and under what circumstances an~~that requires an applicant for a school personnel position ~~shall be required~~ to be checked for a criminal history as provided in subsection (c) of this section before the applicant is offered an unconditional job. Each local board of education shall apply its policy uniformly in requiring applicants for school personnel positions to be checked for a criminal history. A local board of education ~~that requires a criminal history check for an applicant may~~may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check. An applicant for a school personnel position shall not be required to be checked for a criminal history if he or she has received a license within six months of employment that required a criminal history check equivalent to the criminal history check required in subsection (c) of this section.

A local board of education ~~shall not~~may require an applicant to pay for the criminal history check authorized under this subsection.

(c) The Department of Public Safety shall provide to the local board of education the criminal history from the State and National Repositories of Criminal Histories of any applicant for a school personnel position in the local school administrative unit for which a local board of education requires a criminal history check. The local board of education shall require the person to be checked by the Department of Public Safety to (i) be fingerprinted and to provide any

additional information required by the Department of Public Safety to a person designated by the local board, or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The local board of education shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors.

~~The local board of education shall not require an applicant to pay for being fingerprinted.~~

...."

SECTION 2.(d) G.S. 143B-931 is amended by adding a new subsection to read:

"(b1) The Department of Public Safety may provide a criminal history record check to the board of directors of a charter school of a person who is employed at a charter school or of a person who has applied for employment at a charter school if the employee or applicant consents to the record check. The Department may also provide a criminal history record check of school personnel as defined in G.S. 115C-332 by fingerprint card to the board of directors of the charter school from the National Repositories of Criminal Histories, in accordance with G.S. 115C-218.90. The information shall be kept confidential by the board of directors of the charter school as provided in G.S. 115C-218.90."

SECTION 3. This act becomes effective when it becomes law and applies to applications for licensure and employment that are received 60 or more days after that date.

SENATE BILL 867:
Protect Students in Schools.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Judiciary I	**Date:**	May 24, 2016
Introduced by:	Sens. Barefoot, Wade, Newton	**Prepared by:**	Kara McCraw Committee Co-Counsel Grace Sykes LAD Extern
Analysis of:	PCS to First Edition S867-CSTC-74		

SUMMARY: *SB 867 authorizes the State Board of Education to require applicants for teacher licensure to be checked for a criminal history in the State and National Repositories of Criminal Histories. Each applicant for licensure would be required to be checked for a criminal history.*

The Proposed Committee Substitute (PCS) for SB 867 would also mandate each local board of education, regional school board of directors, and charter school board of directors require an applicant for a school personnel position to be checked for a criminal history in the State and National Repositories of Criminal History.

CURRENT LAW: G.S. 115C-296 does not provide the State Board of Education authority to require applicants for licensure to be checked for a criminal history.

G.S. 115C-332 requires that local school boards and regional school boards of directors adopt a policy on whether and under what circumstances an applicant for a school personnel position is to be checked for a criminal history. Charter school boards of directors must adopt the policy of the local school administrative unit in which the charter school is located. Applicants do not have to pay for a criminal history check if warranted under local school board policy.

BILL ANALYSIS: The PCS for SB 867 would allow the State Board of Education to require all applicants for licensure to be checked for a criminal history against the State and National Repositories of Criminal Histories. The bill would also permit the State Board of Education to charge the applicant for the criminal history check a fee in the amount up to, but not exceeding, the cost of providing the service. Additionally, the PCS would require that applicants for licensure renewal to be checked for a criminal history upon application for renewal.

The PCS would also mandate local boards of education, regional school boards of directors, and charter school boards of directors, to require applicants for school personnel positions to be checked for a criminal history in the State and National Repositories of Criminal History. However, applicants to a local board of education position who were licensed in the last 6 months prior to employment would not be required to have a new criminal history check. The PCS allows local school boards to charge applicants for the cost of providing the service.

Finally, the PCS authorizes the Department of Public Safety to provide State and National criminal histories to the State Board of Education and board of directors of charter schools.

The remainder of the PCS makes conforming changes.

EFFECTIVE DATE: The bill would become effective when it becomes law and applies to all applications for licensure received 60 days on or after that date.

Karen Cochrane-Brown
Director

S867-SMTC-91 CSTC-74 -V-3

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 632
PROPOSED SENATE COMMITTEE SUBSTITUTE H632-CSTC-68 [v.3]
05/23/2016 06:20:45 PM

Short Title: Student Online Protection Act. (Public)

Sponsors:

Referred to:

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO PROTECT STUDENT ONLINE PRIVACY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-401.2. Student online privacy protection.**

(a) Definitions. – The following definitions apply in this section.

(1) Covered information. – Personally identifiable information or material in any media or format that is any of the following:

a. Created by or provided to an operator by a student, or the student's parent or legal guardian, in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for K-12 school purposes.

b. Created by or provided to an operator by an employee or agent of a K-12 school or local school administrative unit for K-12 school purposes.

c. Gathered by an operator through the operation of a site, service, or application for K-12 school purposes and personally identifies a student, including, but not limited to, the following:

1. Information in the student's educational record or electronic mail.
2. First and last name.
3. Home address.
4. Telephone number.
5. Electronic mail address.
6. Other information that allows physical or online contact.
7. Discipline records.
8. Test results.
9. Special education data.
10. Juvenile dependency records.
11. Grades.
12. Evaluations.
13. Criminal records.
14. Medical records.
15. Health records.
16. Social security number.

17. Biometric information.
18. Disabilities.
19. Socioeconomic information.
20. Food purchases.
21. Political affiliations.
22. Religious information.
23. Text messages.
24. Documents.
25. Student identifiers.
26. Search activity.
27. Photos.
28. Voice recordings.
29. Geolocation information.

(2) Interactive computer service.– As defined in 47 U.S.C. § 230.

(3) K-12 school. – A charter school, a regional school, or a school that offers any of grades kindergarten to 12 operated by a local board of education.

(4) K-12 school purposes. – Purposes that are directed by or that customarily take place at the direction of a K-12 school, a teacher, a local board of education, or the State Board of Education, or aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents, or are for the use and benefit of the K-12 school.

(5) Local board of education. – A local board as defined in G.S. 115C-5(5), a regional school board of directors as defined in G.S. 115C-238.61(5), or a board of directors of a nonprofit corporation operating a charter as provided in G.S. 115C-218.15.

(6) Operator. – To the extent that it is operating in this capacity, the operator of an Internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K-12 school purposes and was designed and marketed for K-12 school purposes. An operator does not include a K-12 school or local board of education that operates an Internet website, online service, online application, or mobile application for that K-12 school or local board of education's own K-12 school purposes.

(7) Subcontractor. – An entity providing a service to an operator under contract and on its behalf to further a K-12 school purpose.

(8) Targeted advertising. – Presenting an advertisement to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of applications, or covered information. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ads.

(b) Prohibitions for Operators. – An operator shall not knowingly do any of the following:

(1) Engage in targeted advertising on the operator's site, service, or application, or target advertising on any other site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's site, service, or application for K-12 school purposes.

(2) Use information, including persistent unique identifiers, created or gathered by the operator's site, service, or application, to amass a profile about a student except in furtherance of K-12 school purposes. As used in this subdivision, "amass a profile" does not include the collection and retention of account information that remains under the control of the student, the student's parent or guardian, or K-12 school.

(3) Sell or rent a student's information, including covered information. This subdivision does not apply to the purchase, merger, or other type of acquisition of an operator by another entity, if the operator or successor entity complies with this section regarding previously acquired student information, or to national assessment providers if the provider secures the express written consent of the parent or student who is at least 13 years of age given in response to clear and conspicuous notice, solely to provide access to employment, educational scholarships or financial aid, and to postsecondary educational opportunities.

(4) Except as otherwise provided in subsection (d), disclose covered information unless the disclosure is made for the following purposes:

a. In furtherance of the K-12 school purpose of the site, service, or application, if the recipient of the covered information disclosed under this sub-subdivision does not further disclose the information unless done to allow or improve operability and functionality of the operator's site, service, or application.

b. To ensure legal and regulatory compliance or protect against liability.

c. To respond to or participate in the judicial process.

d. To protect the safety or integrity of users of the site or others or the security of the site, service, or application.

e. To a third party for a school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that that information is required not to be used or further disclosed by the third party for any other purpose.

f. To a subcontractor, if the operator contractually prohibits the subcontractor from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the subcontractor from disclosing any covered information provided by the operator with subsequent third parties, and requires the subcontractor to implement and maintain reasonable security procedures and practices. This sub-subdivision does not prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's site, service, or application.

(c) Requirements for Operators.– An operator shall do all of the following:

(1) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information, and protect that covered information from unauthorized access, destruction, use, modification, or disclosure.

(2) Delete a student's covered information within 45 days if the K-12 school or local board of education requests deletion of covered information under the control of the K-12 school or local board of education, unless a student who is at least 13 years of age, a parent, or a guardian provides express written consent given in response to clear and conspicuous notice to the maintenance of the covered information.

(d) Permissible Use or Disclosure of Information.– An operator may use or disclose covered information of a student under the following circumstances:

(1) If other provisions of federal or state law require the operator to disclose the information, and the operator complies with the requirements of federal and state law in protecting and disclosing that information.

(2) As long as no covered information is used for advertising or to amass a profile on the student for purposes other than K-12 school purposes, for legitimate research purposes as required by State or federal law and subject to the restrictions under applicable State and federal law or as allowed by State or federal law in furtherance of K-12 school purposes or postsecondary educational purposes.

(3) To a K-12 school, local school administrative unit, or the State Board of Education, for K-12 school purposes, as permitted by State or federal law.

(4) At the direction of a K-12 school, local school administrative unit, or the State Board of Education, for K-12 school purposes, as permitted by State or federal law.

(e) Permissible Operator Actions.– This section does not prohibit an operator from doing any of the following:

(1) Using covered information that is not associated with an identified student within the operator's site, service, or application or other sites, services, or applications owned by the operator to improve educational products.

(2) Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in their marketing.

(3) Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications.

(4) Using recommendation engines to recommend to a student either of the following:

a. Additional content relating to an educational, other learning, or employment opportunity purpose within the operator's site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

b. Additional services relating to an educational, other learning, or employment opportunity purpose within the operator's site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

(5) Responding to a student's request for information or for feedback to help improve learning without the information or response being determined in whole or in part by payment or other consideration from a third party.

(f) Limitations. – This section does not do any of the following:

(1) Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.

(2) Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.

(3) Apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications.

(4) Limit service providers from providing Internet connectivity to schools or students and their families.

(5) Prohibit an operator of an Internet website, online service, online application, or mobile application from marketing educational products directly to parents if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.

(6) Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.

(7) Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.

(8) Prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents."

SECTION 2. This act is effective October 1, 2016.

HOUSE BILL 632:
Student Online Protection Act.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	May 24, 2016
Introduced by:	Rep. Saine	**Prepared by:**	Kara McCraw Committee Co-Counsel
Analysis of:	PCS to First Edition H632-CSTC-68		Selby Lo LAD Extern

SUMMARY: ***The PCS for HB 632 would eliminate the prior contents of the bill entirely and would replace it with provisions governing the privacy protection of student information held by third-party online educational applications for K-12 students in a charter school, regional school, or school operated by a local board of education.***

BILL ANALYSIS: The PCS for HB 632 would create a new statute governing data privacy requirements for operators of third-party online educational applications for K-12 students as follows:

Definitions: Definitions for the section would include:

- Covered information. - Any personally identifiable information or material created or provided in use of the application or for K-12 school purposes, or gathered in the course of the application's operation, including, but not limited to: name, address, electronic mail address, social security numbers, grades, medical records and other identifying information.
- K-12 school purpose. – A purpose directed by or taking place at the direction of a school, teacher, or local board of education or aid in the administration of school activities, including, but not limited to: instruction in the classroom or at home, collaboration between students, school personnel, or parents, or are for the use and benefit of the school.
- Operator. – An Internet website, online service, online application, or mobile application that has actual knowledge is used for K-12 school purposes and was designed and marketed for those purposes.

Operator Prohibitions: Operators would be prohibited from:

- Engaging in targeted advertising based on any information acquired because of the use of the operator's site, service, or application.
- Using information to create a profile about a student except for a K-12 school purpose.
- Renting or selling information, except to national assessment providers that have received written consent from the parent or child who is at least 13 to provide access to certain scholarships, financial aid, or postsecondary educational opportunities.
- Disclosing covered information except for the following purposes:
    - Furtherance of the K-12 school purpose of the application if the recipient does not further disclose the information unless to allow or improve the operability and functionality of the third-party application.
    - Ensuring legal and regulatory compliance or protection against liability.
    - In response to or for participation in the judicial process.
    - Protection of the safety and integrity of users or third-party application.
    - For an educational or employment purpose requested by the student or student's parent.

Karen Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- To a subcontractor, if the operator contractually prohibits the subcontractor from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator, prohibits the subcontractor from disclosing the information to third parties, and requires the subcontractor to have reasonable security procedures and practices.

Operator Requirements: Operators would be required to:

- Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information and protect the covered information from unauthorized access, destruction, use, modification, or disclosure.
- Delete a student's covered information within 45 days if the school or local board of education requests deletion of the information under the school or local board of education's control, unless the parent or student consents in writing to maintenance of the covered information.

Permissible Use or Disclosure of Information: Operators would be permitted to disclose covered information under the following circumstances:

- State or federal law requires the disclosure.
- Legitimate research purposes as required by State or federal law.
- To a school, local school administrative unit, or the State Board of Education as permitted by State or federal law.
- At the direction of a school, local school administrative unit, or the State Board of Education for K-12 school purposes permitted by State or federal law.

Permissible Operator Actions: Operators would be permitted to use covered information to:

- Improve their educational products with de-identified information.
- Demonstrate the effectiveness of the operator's products or services with de-identified information.
- Share information for development and improvement of educational sites, services, or applications with de-identified information.
- Recommend to a student additional content or services relating to an educational, other learning, or employment opportunity purpose if the recommendation is not determined by payment or consideration from a third party.
- Respond to a student's request for information or feedback to help improve learning if the information or response in not determined by payment or other consideration from a third party.

Limitations: The PCS for HB 632 would not:

- Limit the authority of a law enforcement agency as authorized by law or under a court order.
- Limit the ability of an operator to use student data for adaptive learning or customized student learning purposes.
- Apply to general audience operators, websites, services, or applications.
- Limit service providers from providing Internet connectivity to schools or students and their families.
- Prohibit an operator from marketing educational products directly to parents if the marketing did not result from the use of covered information.
- Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or application to review or enforce compliance.
- Impose a duty upon a provider of an interactive computer service to review or enforce compliance.
- Prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.

EFFECTIVE DATE: HB 632 would become effective on October 1, 2016.

VISITOR REGISTRATION SHEET

Senate Com. on Ed / Higher Education
(Committee Name)

5/24/2016
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sherman Carl Pierce	Visitor - Puerto Rico
Yashira M. Llantin	Visitor - Puerto Rico
Julian Llantin	visitor Puerto Rico
Sira G. Llantin Ayala	Visitor Puerto Rico
Sandra Murphy	Visitor - Chapel Hill, NC
Jessica Shimer	Lenoir County Public Schools
Zaire Stilwell	TSG
Alex Avrith	Visitor Durham, NC

09-21-201

VISITOR REGISTRATION SHEET

Senate Com. on Ed/Higher Education
(Committee Name)

5/24/2016
Date

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Ismael Hernandez-Cruz	DPI
Dylan Kopsick	DPI
[illegible]	Beacon
Sue Ann Forrest	NCICU
Tom West	NCICU
Jonathan Kappler	UNC GA
Murfrey Christensen	Ward & Smith
Madeline Hurley	Ward & Smith
Debra Waddell	Carolinas Healthcare Blue Ridge
Ashley Angley	CHS Blue Ridge
Melissa Owenby	CHS Blue Ridge
Lucy Russell	Senator Tillman Intern
Andrew J. Ziperski	Senator Jerry W. Tillman
Christina Hoy	Dignify Teachers
Thomas L. Eure	CHS Blue Ridge
Jacquelyn Kirkland	CHS Blue Ridge
KARL POND	NCDPI

09-21-201

VISITOR REGISTRATION SHEET

_____

(Committee Name)

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Date

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Scott Frein	ACT, Inc.
Franklin Freeman	NWC
Evan Grimes	NWC
Phoebe Landon	NWC
Katy Kilgsburg	BP
Erin Jones	TWC
Demetrius Fuller	AH3+
John Shannon	Onslow County Schools
John Jarrett	Moore Co. GOP
Miriam Chu	Moore TEA Citizens
Thomas Beddow	Moore Cty. GOP
John Rowerdink	" "
Jim Lexo	N.C. Republican Men's Club
Logan Rigsbee	
Diana Vazquez	Alamance County
Julian Haylin	Alamance County

09-21-201

VISITOR REGISTRATION SHEET

Senate Com. on Ed/Higher Education
(Committee Name)

5/24/2016
Date

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Del Mantra	GPM Lobbying
Doug Miskewicz	PSG
Susan Harrison	NCSSWA
Katherine Tamer	OSBM
Jack Gagnon	OSBM
Chris Stevens	NCJC
Matt Ellinwood	NCJC
Bruce Thompson	Parker Poe
Sarah McQuillan	SSTNC
Kirr F Johnson FNP	NCNA - Nurse of the Day
Meghan Cook	NC DIT
Rick Zechini	WM
Frank Moons	UPS
[illegible]	SOG
Bob Phillips	CCNC
Lisa Martin	Cap-Ad
Margie Foreman	NCHE

09-21-201

VISITOR REGISTRATION SHEET

Senate Com. on Ed / Higher Education
(Committee Name)

5/24/2016
Date

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Jennifer Sinclair	Lt. Gov
Hannah Wallace	Lt. Gov.
Ryan Srnik	Lt. Gov
Brian Miller	NCGA
Jackson Stafford	SA
Andy Walsh	
Allison Parker	NC ACTE
Karen Davis	NC ACTE
Holly Tolston	NC ACTE
Barbara Lee	NC ACTE
[illegible] Simpli	CAVE/NCACTE
[illegible]	CCS
Tanetra Williams	CCS/CTE
Almera Waddell	CCS
Kimberly Brewington	CCS CTE
Lee Tripp	NCPCSA

09-21-201

VISITOR REGISTRATION SHEET

(Committee Name)

5/24/16
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patrick A. Bello	NCACTE Craven County Schools
Chris Bailey	NCACTE Craven County Schools
Alyssa Canty	Common Cause NC

09-21-201

Senate Committee on Education/Higher Education
May 25, 2016, 11:00 a.m.
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 873	Access to Affordable College Education Act	Senator Apodaca

Adjournment

Senate Committee on Education/Higher Education
Wednesday, May 25, 2016 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on May 25, 2016 in Room 544 of the Legislative Office Building. 25 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting, welcomed the Senate Pages, and thanked the Sergeants at Arms.

SB 873 Access to Affordable College Ed. Act. (Senator Apodaca)
Senator Daniel made a motion to adopt the Proposed Committee Substitute for SB 873. Senator Curtis seconded the motion and it was approved.

Senator Apodaca explained the Proposed Committee Substitute for SB 873 and members of the committee were given the opportunity to ask questions of the bill sponsor.

Senator Newton moved to adopt the Proposed Committee Substitute as favorable to the proposed committee substitute as amended, rolled into a new proposed committee substitute, with a favorable report the new committee substitute and an unfavorable report to the original bill with a serial referral to Appropriations. Senator Wade seconded the motion and it was approved.

The meeting adjourned at 11:56 AM.

Senator Chad Barefoot, Chair
Presiding

Eric Naisbitt, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Wednesday, May 25, 2016

Senator Barefoot,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **873** Access to Affordable College Ed. Act.

Draft Number:	S873-PCS15379-RQf-29
Sequential Referral:	Appropriations/Base Budget
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Tom Apodaca will handle SB 873

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 873
PROPOSED COMMITTEE SUBSTITUTE S873-CSRQf-29 [v.1]
05/24/2016 06:52:36 PM

Short Title: Access to Affordable College Ed. Act. (Public)

Sponsors:

Referred to:

May 11, 2016

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT VARIOUS POLICY CHANGES DESIGNED TO MAKE PUBLIC HIGHER EDUCATION MORE AFFORDABLE IN ACCORDANCE WITH THE STATE CONSTITUTIONAL MANDATE THAT THE BENEFITS OF PUBLIC HIGHER EDUCATION, AS FAR AS PRACTICABLE, BE EXTENDED TO THE PEOPLE OF THE STATE FREE OF EXPENSE.

Whereas, Section 9 of Article IX of the North Carolina Constitution provides that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense; and

Whereas, the total cost of undergraduate tuition and fees for in-State students in the University of North Carolina System has increased by 72% in the last 10 years and presents a formidable barrier to many students who may have saved for college but are still unable to meet the high cost of attendance and so must obtain a student loan; and

Whereas, student debt has reached a critical level as, according to the Southern Regional Education Board's latest data, the average debt of North Carolina students who graduate with debt from a public four-year institution is $23,440, up 52% since 2007-2008; and

Whereas, while the median earnings for those in North Carolina with a bachelor's degree is approximately $40,000, many college graduates still find they must use funds for the repayment of high-cost educational debt that ordinarily could be set aside for family and home expenses and achieving a higher quality of life; and

Whereas, an increasing number of students who attend college and accumulate student debt drop out of college without earning a college degree and so must make long-term payments on loans that strain their financial resources and from which they received no benefit; and

Whereas, a 2015 study conducted by the National Student Clearinghouse Research Center indicates that only 53% of college freshmen earn a bachelor's degree within six years, and additional research published by David Kirp shows that of the 31 million adults who attended college between 1994 and 2014, about four million spent at least two years there and never earned a degree; and

Whereas, a 2011 study conducted by the American Institute for Research estimates the cost of dropping out, measured in lost earnings and taxes, at $4.5 billion; and

Whereas, a college education is considered an asset and wise investment that often leads to higher paying jobs, but the continuing increases in higher education costs and student debt are threatening the value of that investment; and

Whereas, it is imperative that the State of North Carolina take action to make more affordable to citizens of this State the higher education opportunities offered by The University of

North Carolina and to ensure that the educational experience provided by the University of North Carolina System continues to be a valuable and wise investment; Now, therefore,
The General Assembly of North Carolina enacts:

PART I. GUARANTEE OF NO IN-STATE TUITION INCREASE FOR STANDARD COLLEGE TERM

SECTION 1.(a) Article 14 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§ 116-143.9. Fixed tuition and fee payment option.**

(a) There is established a fixed tuition and fee payment program that shall be available to any freshman or transfer undergraduate student who is admitted to any constituent institution of The University of North Carolina and deemed to be a North Carolina resident for purposes of tuition. The program shall have the following components:

(1) A guarantee that the cost of tuition and the cost of fees will remain constant or decrease during the tuition period.

(2) Except as provided in subsection (b) of this section, the tuition period shall be (i) eight consecutive academic semesters for a student seeking a baccalaureate degree in a four-year program or 10 consecutive academic semesters for a student seeking a baccalaureate degree in a program officially designated by the Board of Governors as a five-year program, not including any summer sessions, or (ii) the appropriate balance of that after making the proper adjustments for a student who transfers to the constituent institution.

(3) Except as provided in subsection (b) of this section, the student must remain enrolled continuously at the constituent institution during the entire tuition period.

(4) At the end of the tuition period, the cost of tuition for any additional academic semesters reverts to the amount of the current tuition for that constituent institution and a tuition surcharge imposed under G.S. 116-143.7, if applicable.

(b) The tuition period may be tolled if the student is able to demonstrate a substantial disruption or interruption in the student's pursuit of a degree as provided in G.S. 116-143.7(c).

(c) The Board of Governors shall adopt the policies needed to implement this section and shall also determine what the fixed tuition and fee payment rates and the tuition periods shall be for undergraduate transfer students who are North Carolina residents for purposes of tuition."

SECTION 1.(b) This section is effective when it becomes law and applies to freshmen and transfer students who enroll at a constituent institution beginning with the 2016 fall academic semester.

PART II. REDUCTION OF STUDENT FEES

SECTION 2. Notwithstanding G.S. 116-143 and G.S 116-11(7), the Board of Governors of The University of North Carolina and the Board of Trustees at each constituent institution shall reduce student fees as follows: Beginning with the 2018 fall academic semester, student fees shall be reduced by an amount that is ten percent (10%) to twenty-five percent (25%) less than the amount of the student fees charged in the 2016 fall academic semester. The Board of Governors and the Boards of Trustees in their discretion shall determine what the amount of the reduction in fees required by this section shall be. After making the initial fee reduction of ten percent (10%) to twenty-five percent (25%) required by this section, a constituent institution may increase student fees by no more than three percent (3%) per academic year.

PART III. REDUCED TUITION AT CERTAIN INSTITUTIONS

SECTION 3.(a) Article 14 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"**§116-143.9. Reduced tuition at certain institutions.**

(a) Notwithstanding G.S. 116-143 and G.S. 116-11(7), the Board of Governors of The University of North Carolina shall set tuition rates for the constituent institutions listed in subsection (b) of this section as follows: Beginning with the 2018 fall academic semester, the tuition rate for resident students shall be five hundred dollars ($500.00) per academic semester and the tuition rate for nonresident students shall be two thousand five hundred dollars ($2,500) per academic semester.

(b) Notwithstanding any other provision of law, beginning with the 2018-2019 fiscal year, the Director of the Budget may, on recommendation of the Board of Governors of The University of North Carolina, authorize an increase in the base budget for The University of North Carolina of up to seventy million dollars ($70,000,000) to cover the cost of lost tuition revenue for that fiscal year. Any increase in the base budget authorized pursuant to this subsection shall not be included in the calculation of projected enrollment growth under G.S. 116-30.7. The authorization provided in this subsection shall be effective only as long as tuition continues at the rate established by subsection (a) of this section.

(c) This section applies only to the following constituent institutions:

(1) Elizabeth City State University.
(2) Fayetteville State University.
(3) University of North Carolina at Pembroke.
(4) Winston-Salem State University.
(5) Western Carolina University."

SECTION 3.(b) G.S. 116-144 reads as rewritten:

"**§ 116-144. Higher tuition to be charged nonresidents.**

~~The~~ Unless provided otherwise by law, the Board of Governors shall fix the tuition and required fees charged nonresidents of North Carolina who attend the institutions enumerated in G.S. 116-4 at rates higher than the rates charged residents of North Carolina and comparable to the rates charged nonresident students by comparable public institutions nationwide, except that a person who serves as a graduate teaching assistant or graduate research assistant or in a similar instructional or research assignment and is at the same time enrolled as a graduate student in the same institution may, in the discretion of the Board of Governors, be charged a lower rate fixed by the Board, provided the rate is not lower than the North Carolina resident rate."

PART IV. EVALUATION OF ADMISSION CAP ON OUT-OF-STATE STUDENTS

SECTION 4.(a) The Board of Governors shall consider what effect, if any, the elimination of or an increase in the current cap of eighteen percent (18%) on the admission of nonresident students at the constituent institutions listed in subsection (b) of this section may have regarding the student applications to those institutions. If the Board of Governors determines that eliminating or increasing the current cap on the admission of nonresident students may increase the number, academic strength, and diversity of student applications at those institutions, then the Board of Governors may, in its discretion, adopt a policy that eliminates or establishes a different cap on the admission of nonresident students, and the period of time for which the modification of the cap shall be implemented at those institutions.

SECTION 4.(b) This section applies only to the following constituent institutions:

(1) Elizabeth City State University.
(2) Fayetteville State University.
(3) University of North Carolina at Pembroke.
(4) Winston-Salem State University.
(5) Western Carolina University.

PART V. ESTABLISH MERIT SCHOLARSHIP AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY AND NORTH CAROLINA CENTRAL UNIVERSITY

SECTION 5.(a) Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 35.

"Cheatham-White Scholarships.

"**§ 116-290. Cheatham-White Scholarships: establishment and purpose; benefits.**

(a) Scholarships Established; Purpose. – The Cheatham-White Scholarships are established as a merit scholarship program at North Carolina Agricultural and Technical State University and at North Carolina Central University. The purpose of the scholarships is to provide an outstanding educational experience for students who are exceptional scholars, versatile and well-rounded individuals with a broad range of interests, and who are accomplished and proficient in areas of both the arts and the sciences. They must also demonstrate leadership potential and a strong commitment to service.

(b) Scholarship Benefits. – Each scholarship is a fully funded four-year scholarship that covers the cost of all of the following: full tuition, student fees, housing, meals, textbooks, a laptop, supplies, travel, and personal expenses. Each scholarship also provides four summers of fully funded enrichment and networking opportunities that may include international travel and study.

(c) Number of Scholarships Awarded. – Up to 50 scholarships, 40 for resident students and 10 for nonresident students, may be awarded each academic year to students admitted to North Carolina Agricultural and Technical State University. Up to 50 scholarships, 40 for resident students and 10 for nonresident students, may be awarded each academic year to students admitted to North Carolina Central University.

"**§ 116-291. Cheatham-White Scholarships: fund established; administration of fund.**

(a) Fund Established. – There is established the Cheatham-White Scholarships Fund to be used to fund scholarships awarded pursuant to this Article. Both private and public funds may be solicited in the creation of the fund.

(b) Matching Funds. – The funds appropriated each fiscal year to the Cheatham-White Scholarships Fund shall be matched by non-State funds and disbursed pursuant to G.S. 143C-4-5.

(c) Administration of Fund. – The University of North Carolina General Administration shall administer the Cheatham-White Scholarships Fund and the Cheatham-White Scholarships program.

"**§ 116-292. Cheatham-White Scholarships; eligibility and selection criteria.**

(a) Eligibility. – To be eligible to be nominated as a potential candidate for a Cheatham-White Scholarship, a person must satisfy all of the following criteria:

(1) Be a competitive applicant for admission as a freshman in the fall semester into a baccalaureate program at either North Carolina Agricultural and Technical State University or North Carolina Central University.

(2) Be a United States citizen or permanent resident.

(3) Be on course to graduate from high school in the spring semester prior to college admission.

(b) Selection Criteria. – Candidates for Cheatham-White Scholarships shall be selected on the basis of academic merit, honorable character, outstanding leadership potential, and a demonstrable commitment to service. Financial need shall not be a consideration.

"**§ 116-293. Cheatham-White Scholarships; school nomination of candidates.**

All North Carolina high schools are eligible to nominate a student to be considered as a candidate for a Cheatham-White Scholarship. For purposes of this section, a high school includes a public school under the direction of a local board of education, a charter school, a regional school, a high school operated as part of The University of North Carolina, a school operated by

the Department of Health and Human Services, a school operated by the State Board of Education, or a nonpublic school regulated under Article 39 of Chapter 115C of the General Statutes.

The number of nominees from each school is determined by the size of the senior class as follows:

(1) Up to 199 seniors ..... 2 nominees.
(2) 200-399 seniors ..... 3 nominees.
(3) 400-499 seniors ..... 4 nominees.
(4) 500 or more seniors ..... 5 nominees.

"**§ 116-294. Cheatham-White Scholarships; administration of scholarships.**

The University of North Carolina General Administration shall administer the Cheatham-White Scholarships for both North Carolina Agricultural and Technical State University and North Carolina Central University pursuant to policies adopted by the Board of Governors. As part of its administrative responsibilities, the University of North Carolina General Administration shall do all of the following:

(1) Design and implement an application and school nomination process to be used to identify potential scholarship candidates and a process for awarding the scholarships.
(2) Develop a direct nomination process, in addition to the school nomination process, that allows a student to nominate himself or herself to be considered as a candidate for the scholarship in certain circumstances.
(3) Define and describe more fully the selection criteria to be considered when choosing a scholarship candidate and recipient.
(4) Identify the parties that will (i) evaluate scholarship applications and nominations and (ii) determine which candidates shall be awarded scholarships.
(5) Design the framework and add the necessary substantive detail for the scholarship program, including courses of study that will be available, summer enrichment programs, and other extraordinary educational opportunities, and oversee its implementation.
(6) Establish a mentoring and networking system for scholarship recipients.
(7) Administer the Cheatham-White Scholarship Fund.
(8) Establish a Cheatham-White Scholarships alumni association and network.
(9) Any other function necessary for the successful implementation of the Cheatham-White Scholarships program and administration of the Cheatham-White Scholarships Fund."

SECTION 5.(b) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three hundred thousand dollars ($300,000) for the 2016-2017 fiscal year to be allocated to the Cheatham-White Scholarship Fund established in G.S. 116-291 and used to establish and administer the Cheatham-White Scholarships, as provided by Article 35 of Chapter 116 of the General Statutes, as enacted by this act. The funds appropriated by this subsection shall be matched by non-State funds and disbursed pursuant to G.S. 116-291 as enacted by subsection (a) of this section.

SECTION 5.(c) Subsection (b) of this section and G.S. 116-291, as enacted by subsection (a) of this section, become effective July 1, 2016. The remainder of this section becomes effective beginning with the 2017 fall academic semester so that students may be nominated for the scholarship during the 2017-2018 academic year and recipients of the scholarship may enroll to begin a course of study at the constituent institution beginning with the 2018 fall academic semester.

PART VI. APPLICATION OF ACT AND EFFECTIVE DATE

SECTION 6.(a) Sections 1 through 4 of this act do not apply to high schools governed by the University of North Carolina General Administration.

SECTION 6.(b) Except as provided otherwise, this act is effective when it becomes law and applies to the 2016 fall academic semester and each subsequent academic semester.

SENATE BILL 873:
Access to Affordable College Ed. Act.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Appropriations/Base Budget	**Date:**	May 24, 2016
Introduced by:	Sen. Apodaca	**Prepared by:**	Drupti Chauhan* Committee Co-Counsel
Analysis of:	PCS to First Edition S873-CSRQf-29		

SUMMARY: ***Senate Bill 873 provides for fixed tuition and fee options at each University of North Carolina (UNC) constituent institution; reduction of student fees at each UNC constitution institution; and reduced tuition at certain UNC constituent institutions. It directs the Board of Governors of The University of North Carolina (BOG) to evaluate the admissions cap on out-of-State students at certain UNC institutions and directs The University of North Carolina General Administration (UNC GA) to evaluate the effect of each constituent institution's name on its enrollment, academic strength, and diversity. Finally, it establishes the Cheatham-White Scholarships at North Carolina A &T University and North Carolina Central University.***

The Proposed Committee Substitute (PCS) for Senate Bill 873 removes the provision directing the BOG to evaluate the effect of each constituent institution's name on its enrollment, academic strength, and diversity. It also adds a provision authorizing the Director of the Budget to increase the base budget of UNC by up to $70,000,000 to cover the cost of lost tuition revenue from the reduced tuition at certain UNC constituent institutions.

CURRENT LAW: G.S. 116-11(7) and G.S. 116-143 provides that the BOG sets the tuition and required fees at each constituent institution, not inconsistent with the actions of the General Assembly.

SECTION 1: Fixed Tuition and Fees

BILL ANALYSIS: The PCS establishes a fixed tuition and fee program at each constituent institution that would be available to freshmen and transfer undergraduates who are North Carolina residents for the purposes of tuition. The program must have the following components:

- A guarantee that the costs of tuition and fees will remain constant or decrease during the student's "tuition period".
- The "tuition period" would be 8 consecutive academic semesters for a student seeking a baccalaureate degree in a 4-year program or 10 consecutive academic semesters for a student seeking a baccalaureate degree in a program officially designated by the BOG as a 5 year program. The BOG would calculate the tuition period for transfer students.
- A student must remain continuously enrolled at the constituent institution during the entire tuition period.
- At the end of the tuition period, the cost of tuition for any additional academic semesters would revert back to the amount of whatever the tuition is at that constituent institution as well as a tuition surcharge if applicable.

Karen Cochrane-Brown
Director

S873-SMRQ-91 CSRQF-29 -V-1

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

The tuition period may be tolled if the student can show a substantial disruption of the student's pursuit of a degree such as military obligations or health issues or disabilities.

The PCS directs the BOG to adopt the policies needed to implement the program.

This section applies to freshman and transfer students who enroll at constituent institutions beginning in the 2016 fall academic semester.

SECTION 2: Reduction of Student Fees

BILL ANALYSIS: The PCS directs the BOG and the boards of trustees (BOT) at each constituent institution to reduce student fees as follows:

- Beginning with the 2018 fall academic semester, student fees must be reduced by an amount that is 10% to 25% less than the amount of the student fees charged in the 2016 fall academic semester.
- The BOG and the BOT of each constituent institution, in their discretion, must determine the amount of the reduction in fees.

After making the initial fee reduction of 10% to 25%, a constituent institution may not increase fees by more than 3% per academic year.

SECTION 3: Reduced Tuition at Certain Institutions

BILL ANALYSIS: Beginning with the 2018 fall academic semester, the tuition rate for North Carolina resident students would be $500.00 per academic semester and $2500.00 per academic semester for nonresident students at the following constituent institutions:

- Elizabeth City State University
- Fayetteville State University
- University of North Carolina at Pembroke
- Winston-Salem State University
- Western Carolina University

On the recommendation of the BOG and beginning with the 2018-2019 fiscal year, the Director of the State Budget would have the authority to increase the base budget for The University of North Carolina by up to $70,000,000 to cover the cost of the lost tuition revenue for the fiscal year. Any increase in the base budget would not be included in the calculation of projected enrollment growth. The authority to increase the base budget would only be effective as long as the tuition rates remain at $500.00 for resident students and $2500.00 for nonresident students.

SECTION 4: Evaluation of Admission Cap on Out-of-State Students

BILL ANALYSIS: The PCS directs the BOG to consider the effect of the elimination of or an increase in the current 18% cap on the admission of nonresident students for the constituent institutions listed below. If the BOG determines that eliminating or increasing the current cap on the admission of nonresident students may increase the number, academic strength, and diversity of student applications at those institutions, then the BOG in its discretion may adopt a policy that eliminates or establishes a different cap and the period of time for which the modification of the cap should be implemented at those institutions. This section would apply to:

- Elizabeth City State University
- Fayetteville State University
- University of North Carolina at Pembroke

- Winston-Salem State University
- Western Carolina University

SECTION 5: Establish Merit Scholarships at NC A&T and NC Central Universities

BILL ANALYSIS: Section 5 of the PCS establishes the Cheatham-White Scholarships as 4 year, fully funded merit scholarships at North Carolina A&T University (NC A&T) and North Carolina Central University (NC Central) for students who are exceptional scholars and well-rounded individuals with demonstrated leadership potential and strong commitment to service.

Financial need is not a consideration in the award of the scholarship which would also provide for 4 summers of fully funded enrichment opportunities that can include international travel and study. NC A&T and NC Central may award up to 50 scholarships each with 40 for North Carolina residents and 10 for nonresidents.

The Cheatham-White Scholarship Fund (Fund) is created to fund the scholarships and both public and private monies can be put in the Fund. State appropriations much be matched by non-State funds before disbursement and UNC GA would administer the Fund and the Cheatham-White Scholarship Program.

To be eligible to be nominated, a potential candidate must be a competitive applicant for admission as a freshman in a fall semester into a baccalaureate program at either NC A&T or NC Central; be a United States citizen or permanent resident; and be on course to graduate from high school in the spring semester prior to college admission.

All NC high schools are eligible to nominate a student to be a candidate for the Cheatham-White Scholarships with the number of nominees from each school determined by the size of the senior class at the school. Potential candidates may also self-nominate as provided by UNC GA.

UNC GA would do, among other things, the following: implement the application and nomination processes; define and describe more fully the selection criteria; identify the parties that will evaluate the applications and nominations and make the selections; and design the scholarship program including the course of study and various enrichment activities.

$300,000 would be appropriated for the 2016-2017 fiscal year to the BOG to be allocated to the Fund. Students may be nominated for the scholarship beginning with the 2017-2018 academic year and recipients of the scholarship may enroll beginning with the 2018 fall academic semester.

EFFECTIVE DATE: Except as otherwise provided, the bill would become effective when it becomes law and applies beginning with the 2016 fall academic semester and each subsequent academic semester.

**Emily Johnson, Attorney, Bill Drafting Division, significantly contributed to this summary.*

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 873

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

S873-ARQ-50 [v.3]

Amends Title [NO]
S873-CSRQ-29 [v.1]

Date _____,2016

Senator Robinson

moves to amend the bill on page 5, lines 10-14 by rewriting those lines to read:

"The University of North Carolina General Administration shall administer the Cheatham-White Scholarships, in consultation and collaboration with North Carolina Agricultural and Technical State University and North Carolina Central University, pursuant to policies adopted by the Boards of Trustees of both constituent institutions. As part of its administrative responsibilities, the University of North Carolina General Administration, in consultation and collaboration with North Carolina Agricultural and Technical State University and North Carolina Central University, shall do all of the following:".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Senate Education/Higher Education
(Committee Name)

May 25, 2016
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
SCOTT FREEN	ACT
Deri BURKO	NCWC
[illegible]	[illegible]
Evan Grimes	MWC
Lindsay McCallum	UNCGA
Mary Shuping	NCCCS
Jennifer Hedgpeth	NCCCS
[illegible]	[illegible]
Jeff Moore	[illegible] State Journal
Paul A. Norman	ECSU Trustee
Olivia Bass	UNC School of Social Work
Terrell Morton	UNC school of Education
Dan Collins	SEANC
[illegible]	SEANC
Mia Bailey	ElectriCities
Johnny Tillett	MWC
Paul Newton	Candidate

09-21-201

VISITOR REGISTRATION SHEET

Senate Education/Higher Education
(Committee Name)

May 25, 2016
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mildred Spearman	NCAOC
STEPHEN LEONARD	UNC System FACULTY ASSEMBLY, CHAIR
Julia Adams Schwartz	[illegible]
Matthew Dockham	App State U
Kelly Dockham	UNC-CH
Mark Lanier	UNCGA
Dr. Morcfz	UNC GA
Bruce Muldrow	NCSBA
Stevens	Treasurer
Henry M Lancaster III	LCM
B. Anthony Norman	SELF
Barry Baiger	WSSU alumni
Robb Jansen	NC SBE
Alanna Allen	NC SBE
Meaghan Lane	NCC
[illegible]	NCCU
Harvey Mc Murray	NCCU / UNC FA

09-21-201

Senate Committee On Ed/Higher Education

May 25, 2016 – Room 544 LOB – 11:00 AM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Donna B Clarke	UNCD6
Adam Howell	Governors office
Dylan Russell	UNC
Yolanda Sinclair	UNC-Pembroke
Victor Jackson	WSSU NAA
DaKisha Payne Williams	WSSU NAA
Cecile Williams	WSSU NAA
Wendy Covington	WSSU NAA
Peter Daniel	CCS
Jackson Stancil	CCS
Chris Stevens	NCJC
Wendy Kelly	Focus carolina
Randal Calloway	WSSU NAA
Victor Bruton	WSSU NAA
HAROLD TIMMONS	WSSU NAA
Tom Fetzer	FSP

Senate Committee On Ed/Higher Education

May 25, 2016 – Room 544 LOB – 11:00 AM

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NAME	FIRM OR AGENCY
Caroline Daly	Governors Office
Donald Evans II	Governor's Office
Cherie Soney	Office of the Governor
Andrea Harris	HBCU Project, The Institute
Christina Hoy	DIGNIFY TEACHERS – Thank you! Grateful :)
Eugene Weeks	BOV-WSSU
Kimberly Cogdell	Faculty Senate Chair-NCCU
Sarah McQuillan	SSO NC
Katherine Tamer	OSBM
Jack Gagnon	OSBM
Michelle Brooks	ECU
Chelsey Baughard	Nurse of the Day
Mike Byers	WCU
Richard Starnes	WCU
Melissa Wargo	WCU
Nikki Baker	UNCG
Julie Kowal	BEST NC
David Powers	UNC BOG

Senate Committee On Ed/Higher Education

May 25, 2016 – Room 544 LOB – 11:00 AM

PLEASE SIGN IN BELOW

NAME	FIRM OR AGENCY
Eryn Howington	General Assembly (Intern)
Becki Gray	John Locke Foundation
Maria Pitke Martin	NC DPI
Rachel Beaulieu	
Lori Ann Harris	HHA
Justice Lang	General Assembly (Intern)
Charlie White	NC Sec. of State
	SOS
Lydia Daniel	Morganton, NC

Senate Committee on Education/Higher Education
June 1, 2016, 10:30 a.m.
421 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 657	Math Standard Course of Study Revisions	Representative Elmore Representative Howard
HB 242	Various Charter School Law Changes	Representative Faircloth Representative Stam

Adjournment

Senate Committee on Education/Higher Education
Wednesday, June 1, 2016 at 10:30 AM
Room 421 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 10:30 AM on June 1, 2016 in Room 421 of the Legislative Office Building. 18 members were present.

Senator Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order. Senator Tillman relinquished his chairman position to Senator Barefoot.

Senator Tillman was recognized and explained the adopted Proposed Committee Substitute for **HB 657 Math Standard Course of Study Revisions.** Chairman Barefoot recognized James Ritter, Legislative Analysis Division, to further explain the bill. A motion to adopt an amendment was made and the motion passed. Chairman Barefoot recognized members for questions. The Proposed Committee Substitute for HB 657 and the amendment were for discussion only.

Senator Tillman was recognized and explained the adopted Proposed Committee Substitute for **HB 242 Various Charter School Law Changes.** Chairman Barefoot recognized Drupti Chauhan, Legislative Analysis Division, to further explain the bill. Chairman Barefoot recognized members for questions. The Proposed Committee Substitute for HB 242 was for discussion only.

Chairman Barefoot recognized the pages and sergeants-at-arms.

With no further business, Chairman Barefoot adjourned the meeting.

The meeting adjourned at 11:17.

Senator Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 657
Committee Substitute Favorable 4/21/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H657-CSTW-23 [v.3]
05/31/2016 03:23:54 PM

Short Title: Math Standard Course of Study Revisions. (Public)

Sponsors:

Referred to:

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO MODIFY AND REVISE THE MATHEMATICS STANDARD COURSE OF STUDY IN ORDER TO OFFER THE TRADITIONAL SEQUENCE OF MATHEMATICS COURSES AND TO DISALLOW THE USE OF A CAREER AND TECHNICAL EDUCATION COURSE AS A SUBSTITUTE TO SATISFY A GRADUATION REQUIREMENT FOR A FOURTH CREDIT IN MATHEMATICS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall modify the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2010, and implemented beginning with the 2012-2013 school year, to provide that local school administrative units shall only offer the traditional sequence of mathematics courses of (i) Algebra I, (ii) Geometry, and (iii) Algebra II that were effective for the 2011-2012 school year in lieu of Math I, Math II, and Math III. Local school administrative units shall be required to offer course options aligned with the traditional sequence of mathematics courses that were effective for the 2011-2012 school year for students to satisfy the graduation requirement for a fourth credit in mathematics. The State Board shall adopt student assessments consistent with the changes to the North Carolina Mathematics Standard Course of Study required by this section. The changes to the mathematics standard course of study required by this section shall be taught and assessed beginning with the 2016-2017 school year.

SECTION 2. The State Board of Education, in conjunction with the State Board of Community Colleges, shall conduct a comprehensive review of the North Carolina Mathematics Standard Course of Study in order to develop a revised mathematics standard course of study. The revised mathematics standard course of study, including student assessments aligned with revisions, shall be implemented beginning with the 2018-2019 school year. The State Board of Education, in conjunction with the State Board of Community Colleges, shall do all of the following in developing revisions to the mathematics standard course of study:

(1) Maintain the traditional sequence of mathematics courses as required by Section 1 of this act.

(2) Specifically focus on issues related to remediation in mathematics at the community college and university level.

(3) Ensure that the process for conducting the review and developing the standard course of study is transparent and that information is made available to the public.

(4) Involve stakeholders in the process for developing mathematics standards that meet and reflect North Carolina's priorities and the usefulness of the content standards, including surveying a representative sample of parents, teachers, and the public and allowing for public comment opportunities. Where applicable, information and stakeholder feedback gathered during the review conducted by the State Board of Education and the Department of Public Instruction of the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2010, and implemented beginning with the 2012-2013 school year may be utilized to inform the review process.

(5) Consider the information gathered by and the recommendations regarding mathematics standards from the Academic Standards Review Commission, established under Section 2 of S.L. 2014-78, including the North Carolina Academic Standards Review Commission's Report of Findings and Recommendations, published December 31, 2015.

(6) Ensure that the mathematics standards do all of the following:

a. Increase students' level of academic achievement.

b. Meet and reflect North Carolina's priorities.

c. Are age level and developmentally appropriate.

d. Are understandable to parents and teachers.

e. Are among the highest standards in the nation.

SECTION 3. In establishing graduation requirements in mathematics to align with the standard course of study developed Section 2 of this act, the State Board of Education shall not allow career and technical education courses to be used as substitutions to satisfy the graduation requirement for a fourth credit in mathematics.

SECTION 4. By March 15, 2018, the State Board of Education, in conjunction with the State Board of Community Colleges, shall submit a report to the General Assembly, in accordance with G.S. 120-29.5, and the Joint Legislative Education Oversight Committee containing at least the following information:

(1) A complete copy of the mathematics standard course of study developed in accordance with this section.

(2) A document that provides information on all of the differences between the mathematics standard course of study and the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2010, and implemented beginning with the 2012-2013 school year.

(3) A document that outlines the necessary corresponding changes to student assessments to align with the mathematics standard course of study.

SECTION 5. The mathematics standard course of study shall become effective on June 1, 2018, unless a bill that specifically disapproves the standards is introduced in either house of the General Assembly before the thirty-first legislative day of the 2018 Regular Session of the 2017 General Assembly. The mathematics standard course of study shall become effective on the July 1 immediately following the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the mathematics standard course of study. If the mathematics standard course of study is specifically disapproved by a bill enacted into law before it becomes effective, the mathematics standard course of study shall not become effective. For the purposes of this subsection, a bill specifically disapproves the mathematics standard course of study if it contains a provision that refers to the mathematics standard course of study and states that the standard course of study is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of the 2018 Regular Session to disapprove the mathematics standard course of study that has been approved by the State Board and that has not become effective.

SECTION 6. G.S. 115C-83.15(b) reads as rewritten:

"(b) Calculation of the School Achievement Score. – In calculating the overall school achievement score earned by schools, the State Board of Education shall total the sum of points earned by a school on all of the following indicators that are measured for that school:

(1) One point for each percent of students who score at or above proficient on annual assessments for mathematics in grades three through eight.

(2) One point for each percent of students who score at or above proficient on annual assessments for reading in grades three through eight.

(3) One point for each percent of students who score at or above proficient on annual assessments for science in grades five and eight.

(4) One point for each percent of students who score at or above proficient on the Algebra I ~~or Integrated Math I~~ end of course test.

(5) One point for each percent of students who score at or above proficient on the English II end of course test.

(6) One point for each percent of students who score at or above proficient on the Biology end of course test.

(7) One point for each percent of students who complete Algebra II ~~or Integrated Math III~~ with a passing grade.

(8) One point for each percent of students who achieve the minimum score required for admission into a constituent institution of The University of North Carolina on a nationally normed test of college readiness.

(9) One point for each percent of students enrolled in Career and Technical Education courses who meet the standard when scoring at Silver, Gold, or Platinum levels on a nationally normed test of workplace readiness.

(10) One point for each percent of students who graduate within four years of entering high school.

In calculating the overall school achievement score earned by schools, the State Board of Education shall (i) use a composite approach to weigh the achievement elements based on the number of students measured by any given achievement element and (ii) proportionally adjust the scale to account for the absence of a school achievement element for award of scores to a school that does not have a measure of one of the school achievement elements annually assessed for the grades taught at that school. The overall school achievement score shall be translated to a 100 point scale and used for school reporting purposes as provided in G.S. 115C-12(9)c1., 115C-218.65, and 115C-238.66."

SECTION 7. Section 6 of this act is effective July 1, 2016, and applies beginning with the 2016-2017 school year. The remainder of this act becomes effective when it becomes law.

HOUSE BILL 657:
Math Standard Course of Study Revisions.

2016-2017 General Assembly

Committee:	Senate Rules and Operations of the Senate	**Date:**	June 1, 2016
Introduced by:	Reps. Elmore, Howard	**Prepared by:**	Kara McCraw and James R. Ritter Committee Counsel
Analysis of:	PCS to Second Edition H657-CSRQ-9		

SUMMARY: ***The contents on HB 657 that directed the UNC Board of Governors to study a fixed tuition program at constituent institutions are removed entirely and replaced by the Proposed Committee Substitute (PCS) that would require the following:***

- ***Local school administrative units (LEAs) to offer the traditional sequence of mathematics courses beginning in 2016-2017.***
- ***The State Board of Education (SBE) to review and revise the North Carolina Mathematics Standard Course of Study (MSCOS) for implementation beginning in 2018-2019.***
- ***The SBE to disallow a Career and Technical Education course to fulfill a mathematics graduation requirement.***
- ***The SBE to submit a report to the Joint Legislative Education Oversight Committee (JLEOC) by March 15, 2018 on the newly developed mathematics standards.***
- ***A conforming change to the calculation of the school achievement score to remove references to the courses "Integrated Math I" and "Integrated Math III".***

CURRENT LAW: Under G.S. 115C-12(9c) the SBE is required to develop and revise content standards in core areas, such as mathematics, on an on-going basis. The Academic Standards Review Commission, formed under S.L. 2014-78, was required to conduct a comprehensive review of all English and mathematics standards, and report findings to the SBE by December 2015.

BILL ANALYSIS: The PCS for HB 657 would make the following changes:

Section 1 would require the SBE to modify the current MSCOS to provide for LEAs to: (i) only offer the sequence of mathematics courses of Algebra, Geometry, and Algebra II used in 2011-2012, and (ii) offer course options aligned with the sequence of mathematics courses that were effective for the 2011-2012 school year for students to satisfy the graduation requirements for a fourth credit in mathematics. The changes to the MSCOS would be taught and assessed beginning with the 2016-2017 school year.

Section 2 would require the SBE, in conjunction with the State Board of Community Colleges (SBCC), to conduct a comprehensive review of the MSCOS to develop a revised mathematics standard course of study. The revised mathematics standard course of study (including assessments aligned with revisions) would be implemented beginning with the 2018-2019 school year. The revision process for the MSCOS would require the following:

- Maintaining a traditional sequence of mathematics courses.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Focusing on issues related to remediation in mathematics at the community college and university level.
- Ensuring transparency and public information about the review process.
- Involving stakeholders, including surveying a representative sample of parents, teachers, and the public, and allowing public comment. Information and stakeholder feedback from the MSCOS review process may be utilized to inform the review process when applicable.
- Considering the information gathered by and the recommendations regarding mathematics from the Academic Standards Review Commission, including the Commission's 2015 Report.
- Ensuring that mathematics standards do the following: (i) increase students' level of academic achievement, (ii) meet and reflect North Carolina priorities, (iii) are age-level and developmentally appropriate, (iv) are understandable to parents and teachers, and (v) are among the highest standards in the nation.

Section 3 would prohibit the SBE from allowing career and technical education courses as a substitution to satisfy the graduation requirement for a fourth credit in mathematics.

Section 4 would direct the SBE in conjunction with the SBCC to report by March 15, 2018 to the JLEOC on the following: (i) a complete copy of the revised MSCOS, (ii) a document contrasting the differences between the revised MSCOS and the MSCOS implemented beginning with the 2012-2013 school year, and (iii) a document that outlines the necessary corresponding changes to student assessments to align with the MSCOS.

Section 5 The PCS would make the MSCOS effective July 1, 2018 unless a bill that specifically disapproves the MSCOS is introduced in either house of the General Assembly before the 31st legislative day of the 2018 Regular Session of the 2017 General Assembly. The MSCOS would become effective on the July 1 immediately following the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the mathematics standard course of study. However, if the MSCOS is specifically disapproved by a bill enacted into law before it becomes effective, the MSCOS would not become effective.

Section 6 would make a conforming change to the calculation of the school achievement score to remove references to the courses "Integrated Math I" and "Integrated Math III".

EFFECTIVE DATE: HB 657 would become effective when it becomes law.

BACKGROUND: North Carolina's Standard Course of Study defines the appropriate content standards for each grade level and each high school course to provide a uniform set of learning standards for every public school in North Carolina.

In 2010, the SBE adopted the Common Core State Standards as the model by which school districts and schools are currently required to plan, implement, and monitor K-12 instruction. New Extended Content Standards based on the State Common Core Standards and the State Essential Standards became operational for the 2012-13 school year.

The Academic Standards Review Commission conducted a comprehensive review of all English and mathematics standards and submitted a report with recommendations to the 2016 Session of the 2015 General Assembly. The report recommended a return to the Algebra I, Geometry, and Algebra II sequence of study.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 657

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

H657-ATC-160 [v.1]

Amends Title [NO]
H657-CSTW-23[v.3]

Date JUNE 1, ,2016

Senator Barefoot

moves to amend the bill on page 3, lines 35-36, by rewriting those lines to read:

"**SECTION 7.** Section 6 of this act is effective July 1, 2016, and applies beginning with the 2016-2017 school year. The remainder of this act becomes effective when it becomes law, and applies to those students beginning the mathematics standard course of study in the 2016-2017 school year and thereafter.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 242
Committee Substitute Favorable 3/24/15
Third Edition Engrossed 3/26/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H242-CSRQ-30 [v.5]
05/31/2016 10:00:56 AM

Short Title: Various Charter School Law Changes. (Public)

Sponsors:

Referred to:

March 17, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE CHARTER SCHOOL STATUTES; TO INCLUDE CHARTER SCHOOLS IN THE DEFINITIONS OF LOW-PERFORMING AND CONTINUALLY LOW-PERFORMING SCHOOLS; TO ALLOW CHARTER SCHOOLS TO BE COOPERATIVE AND INNOVATIVE HIGH SCHOOLS; AND TO EXEMPT CHARTER DENIALS AND NON-RENEWALS FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT.

The General Assembly of North Carolina enacts:

PART I. CHARTER SCHOOL LAW CHANGES

SECTION 1.1. G.S. 115C-218.5 reads as rewritten:

"**§ 115C-218.5. Final approval of applications for charter schools.**

(a) The State Board may grant final approval of an application if it finds the following:

(1) The application meets the requirements set out in this Article and such other requirements as may be adopted by the State Board of Education.

(2) The applicant has the ability to operate the school and would be likely to operate the school in an educationally and economically sound manner.

(3) Granting the application would achieve one or more of the purposes set out in G.S. 115C-218.

In reviewing applications for the establishment of charter schools within a local school administrative unit, the State Board is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure.

(b) The State Board shall make final decisions on the approval or denial of applications by August 15 of a calendar year on all applications it receives prior to a date established by the Office of Charter Schools for receipt of applications in that application cycle. The State Board may make the final decision for approval contingent upon the successful completion of a planning period prior to enrollment of students.

(c) The State Board of Education may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. The State Board shall not allocate any funds to the school until the school has obtained space.

(d) The State Board of Education may grant the initial charter for a period not to exceed 10 years. ~~The State Board of Education shall renew the charter upon the request of the chartering entity for subsequent periods of 10 years, unless one of the following applies:~~

~~(1) The charter school has not provided financially sound audits for the prior three years.~~

~~(2) The charter school's student academic outcomes for the past three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.~~

~~(3) The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.~~

~~The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.~~

~~(e) A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.~~

~~Except as provided in subsection (f) of this section, enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than twenty percent (20%) only if the State Board finds all of the following:~~

~~(1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.~~

~~(2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.~~

~~(3) The charter school is not currently identified as low-performing.~~

~~(4) The charter school meets generally accepted standards of fiscal management.~~

~~(5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board.~~

~~(f) It shall not be considered a material revision of a charter application and shall not require prior approval of the State Board for a charter school to do any of the following:~~

~~(1) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to twenty percent (20%) of the school's previous year's enrollment.~~

~~(2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.~~

~~(3) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as having inadequate performance as provided in G.S.115C-218.95(b), and (iii) has been in financial compliance as required by the State Board of Education.~~"

SECTION 1.2. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.6. Review and renewal of charters.**

(a) The State Board of Education shall review the operations of each charter school at least once every ten years to ensure that the school is meeting the expected academic, financial, and governance standards.

(b) The State Board of Education shall renew a charter upon the request of the chartering entity for subsequent periods of 10 years, unless one of the following applies:

(1) The charter school has not provided financially sound audits for the prior three years.

(2) The charter school's student academic outcomes for the past three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.

(3) The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education."

SECTION 1.3. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.7. Material revisions of charters.**

(a) A material revision of the provisions of a charter shall be made only upon the approval of the State Board of Education.

(b) Enrollment growth of greater than twenty percent (20%) shall be considered a material revision of the charter. The State Board may approve such additional enrollment growth of greater than twenty percent (20%) only if it finds all of the following:

(1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.

(2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.

(3) The charter school is not currently identified as low-performing.

(4) The charter school meets generally accepted standards of fiscal management.

(5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board.

(c) For the purposes of calculating actual enrollment and maximum authorized enrollment under subdivision (1) of subsection (b) of this section, if a charter school is pursuing a material revision of enrollment growth based on a proposed capital expansion of the charter school, but fails to meet the requirements of subdivision (1) of subsection (b) of this section, the State Board shall have the discretion to investigate and determine whether subdivision (1) of subsection (b) of this section may be waived to grant the school's material revision request to allow the capital expansion to move forward. In making such a determination, the charter school shall provide the State Board with documentation to show evidence that demonstrates sufficiently in the State Board's discretion all of the following:

(1) The requested increase in enrollment growth is within a reasonable margin of the threshold necessary to support the requested material revision.

(2) The charter school has secured financing for its proposed capital expansion conditioned on its obtaining the requested material revision of enrollment growth.

(d) If a charter school presents evidence of a proposed capital expansion as part of a request for a material revision of enrollment growth under this section that is granted by the State Board, and the charter school is not able to realize that capital expansion within two years of the grant of the material revision, the charter shall reflect the maximum authorized enrollment immediately preceding that material revision."

SECTION 1.4. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.8. Non-material revisions of charters.**

It shall not be considered a material revision of a charter and shall not require prior approval of the State Board for a charter school to do any of the following:

(a) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to twenty percent (20%) of the school's previous year's enrollment.

(b) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.

(c) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as a continually low-performing school, and (iii) has been in financial compliance as required by the State Board of Education."

SECTION 1.5. G.S. 115C-218.45(f) reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

(1) Siblings of currently enrolled students who were admitted to the charter school in a previous year. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.

(2) Siblings of students who have completed the highest grade level offered by that school and who were enrolled in at least four grade levels offered by the charter school or, if less than four grades are offered, in the maximum number of grades offered by the charter school.

(3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:

a. Children of the school's full-time employees.

b. Children of the charter school's board of directors.

(4) A student who was enrolled in the charter school within the two previous school years but left the school (i) to participate in an academic study abroad program or a competitive admission residential program or (ii) because of the vocational opportunities of the student's parent.

(5) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level.

(6) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of directors."

SECTION 1.6.(a) G.S. 115C-218.95 reads as rewritten:

"§ 115C-218.95. Causes for nonrenewal or termination; disputes.

(a) The State Board of Education may terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board upon any of the following grounds:

(1) Failure to meet the requirements for student performance contained in the charter;

(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.

~~(b) The State Board shall adopt criteria for adequate performance by a charter school and shall identify charter schools with inadequate performance. The criteria shall include a requirement that a charter school which demonstrates no growth in student performance and has~~

~~annual performance composites below sixty percent (60%) in any two years in a three-year period is inadequate.~~

~~(1) If a charter school is inadequate in the first five years of the charter, the charter school shall develop a strategic plan to meet specific goals for student performance that are consistent with State Board criteria and the mission approved in the charter school. The strategic plan shall be reviewed and approved by the State Board. The State Board is authorized to terminate or not renew a charter for failure to demonstrate improvement under the strategic plan.~~

~~(2) If a charter school is inadequate and has had a charter for more than five years, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board. The State Board shall develop rules on the assumption of a charter by a new entity that include all aspects of the operations of the charter school, including the status of the employees. Public assets would transfer to the new entity and not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-218.100(b).~~

(b1) The State Board of Education shall identify low-performing charter schools on an annual basis in accordance with G.S. 115C-105.37. The State Board of Education shall identify continually low-performing charter schools and provide assistance and intervention in accordance with G.S. 115C-105.37A.

If a charter school is continually low-performing, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board. However, the State Board shall not terminate or not renew the charter of a continually low-performing charter school solely for its continually low-performing status if the charter schools academic achievement is comparable to the schools operated by the local school administrative unit in which the charter school is located or if the charter school has implemented a strategic improvement plan approved by the State Board and is making measurable progress toward adequate student performance goals. The State Board shall develop rules on the assumption of a charter by a new entity that includes all aspects of the operations of the charter school, including the status of the employees. Public assets shall transfer to the new entity and shall not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-218.100(b)."

(c) The State Board of Education shall develop and implement a process to address contractual and other grievances between a charter school and the local board of education during the time of its charter.

(d) 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. The mediator shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the differences. The mediator shall, at the request of either the State Board or a charter school, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for

mediators. The mediator may determine that an impasse exists and discontinue the mediation at any time. The mediator shall not make any recommendations or public statement of findings or conclusions. The State Board and the charter school shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes."

SECTION 1.6.(b) A charter school identified as inadequate that developed and is following a strategic plan required by G.S. 115C-218.95(b)(1), as repealed by this section, shall not be required to continue the strategic plan during the 2016-2017 school year and thereafter if that charter school has not been identified as low-performing under G.S. 115C-105.37.

SECTION 1.7. G.S. 115C-218.105 reads as rewritten:

"(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency;

(2) An additional amount for each child attending the charter school who is a child with disabilities; and

(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with ~~G.S. 115C-218.5(d),~~ G.S. 115C-218.7 and G.S. 115C-218.8, the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with disabilities.

(b) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities, equipment, or operations. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(c) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and charter school may use the process for mediation of differences between the State Board and a charter school provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides.

(d) The local school administrative unit shall also provide each charter school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (c) of this section:

(1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).

(2) The student membership numbers used to calculate the per pupil share of the local current expense fund.

(3) How the per pupil share of the local current expense fund was calculated.

(4) Any additional records requested by a charter school from the local school administrative unit in order for the charter school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

In addition, the local school administrative unit shall provide to the State Board of Education all of the information required by this subsection for each charter school to which it transfers a per pupil share of its local current expense fund. This information shall be provided to the State Board of Education by November 1 of each year. The State Board shall adopt a policy to govern the collection of this information. The State Board shall issue a letter of non-compliance to a local school administrative unit that does not provide the State Board with the information required by this subsection."

(e) Prior to commencing an action under subsection (c) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and costs incurred in an action under subsection (c) of this section. The court shall order any delinquent funds, costs, fees, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment."

PART II. CHARTER SCHOOLS INCLUDED IN LOW-PERFORMING SCHOOLS

SECTION 2.1. G.S. 115C-105.37 is amended by adding a new subsection to read:

"(c) **Charter Schools Included in Identification of Low-Performing Schools.** – For the purposes of this section, "school" includes a charter school as provided in Article 14A of this Chapter."

SECTION 2.2. G.S. 115C-105.37A is amended by adding a new subsection to read:

"(d) **Charter Schools Included in Definition of Continually Low-Performing Schools.** – For the purposes of this section, "school" includes a charter school as provided in Article 14A of this Chapter."

SECTION 2.3. G.S. 115C-105.38 is amended by adding a new subsection to read:

"(e) For the purposes of this section, "school" includes a charter school as provided in Article 14A of this Chapter."

PART III. CHARTER SCHOOLS MAY BECOME COOPERATIVE INNOVATIVE HIGH SCHOOLS

SECTION 3.1. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.12. Operation of a cooperative innovative high school.**

The board of directors of a charter school may seek to establish a cooperative innovative high school under Part 9 of Article 16 of this Chapter. Notwithstanding any other provision of law, a charter school that is approved as a cooperative innovative high school shall also be subject to the statutes and rules applicable to those schools."

SECTION 3.2. G.S. 115C-238.50A(3a) reads as rewritten:

"(3a) Local board of education. – A local board as defined in ~~G.S. 115C-5(5)~~G.S. 115C-5(5), a board of directors of a charter school as provided in G.S. 115C-218.15, or a regional school board of directors as defined in G.S. 115C-238.61(5)."

SECTION 3.3. G.S. 115C-238.53(f) reads as rewritten:

"(f) Except as provided in this Part and under the terms of the agreement, cooperative innovative high schools:

(1) Shall have the same exemptions from statutes and rules as charter schools operating under Article 14A of this Chapter, ~~other than those pertaining to personnel.~~except that a local board of education shall not be exempt from applicable statutes and rules pertaining to its personnel.

...."

PART IV. EXEMPTION FROM CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT

SECTION 4. G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(24) The State Board of Education with respect to the denial of an application for a charter school under G.S. 115C-218.5, or the nonrenewal of a charter school under G.S. 115C-218.6."

PART V: FAST TRACK CHARTER APPLICATION TIMELINES

SECTION 5. Section 6.5 of S.L. 2014-101 reads as rewritten:

"SECTION 6.5. Upon recommendations by the Office of Charter Schools and the Charter Schools Advisory Board, the State Board of Education shall adopt a process and rules for fast-track replication of high-quality charter schools currently operating in the State. The State Board of Education shall not require a planning year for applicants selected through the fast-track replication process. In addition to the requirements for charter applicants set forth in Part 6A of Article 16 of Chapter 115C of the General Statutes, the fast-track replication process adopted by the State Board of Education shall, at a minimum, require a board of directors of a charter school to demonstrate one of the following in order to qualify for fast-track replication:

(1) A charter school in this State governed by the board of directors has student academic outcomes that are comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located and can provide three years of financially sound audits.

(2) The board of directors agrees to contract with an education management organization or charter management organization that can demonstrate that it can replicate high-quality charter schools in the State that have proven student academic success and financial soundness.

The State Board of Education shall ensure that the rules for a fast-track replication process provide that decisions by the State Board of Education on whether to grant a charter through the replication process are completed in less than ~~150 days.~~90 days from the application submission date. The State Board shall provide a decision no later than September 30 of the year immediately preceding the year of the proposed school opening. The State Board of Education shall adopt rules and procedures required by this section by ~~December 15, 2014,~~within 90 days of the effective date of this act, and report to the Joint Legislative Education Oversight Committee by ~~February 15, 2015.~~within 120 of the effective date of this act."

PART VI. CONFORMING CHANGES

SECTION 6.1. G.S. 115C-12(22)b.5. reads as rewritten:

"5. The number of teachers who left employment in hard-to-staff schools. A hard-to-staff school shall be any school in a local school administrative unit identified as low-performing, as provided in G.S. 115C-105.37."

SECTION 6.2. G.S. 115C-325(q) reads as rewritten:

"(q) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing ~~Schools.~~Schools in Local School Administrative Units –

(1) Notwithstanding any other provision of this section or any other law, this subdivision governs the State Board's dismissal of principals assigned to low-performing schools in local school administrative units to which the Board has assigned an assistance team:

...

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools in local school administrative units that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

(3) The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school in a local school administrative unit identified as low-performing under G.S. 115C-105.37.

...."

SECTION 6.3. G.S. 115C-325.13(a) reads as rewritten:

"(a) Notwithstanding any other provision of this Part or any other law, this section shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools in local school administrative units that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher, assistant principal, director, or supervisor."

SECTION 6.4. G.S. 135-5.3(b7) reads as rewritten:

"(b7) The Board of Trustees may grant final approval of the application if it finds the following:

(1) The application meets the requirements set out in this Article.

(2) All members of the board of directors of the charter school have signed a written statement acknowledging and accepting the estimate provided under subsection (b5) of this section and the provisions of G.S. 135-8(i).

(3) The charter school has not been identified as ~~inadequate~~ continually low-performing by the State Board of Education as provided in ~~G.S. 115C-218.95(b).~~G.S. 115C-218.95(b1).

(4) The charter school's most recent audited financial statements and independent audit report demonstrate that it is financially sound and can meet the financial obligations of participation in the Retirement System."

PART VII. EFFECTIVE DATE

SECTION 7. Section 5 of this act is effective when it becomes law and applies beginning with applications submitted for fast-track replication of schools opening in the 2017-2018 school year. The remainder of this act becomes effective when it becomes law and applies beginning with the 2016-2017 school year. Section 4 of this act applies to charter applications and charter renewal applications on or after that date.

HOUSE BILL 242:
Various Charter School Law Changes.

2016-2017 General Assembly

Committee:	Senate Rules and Operations of the Senate	**Date:**	June 1, 2016
Introduced by:	Reps. Faircloth, Stam	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Co-Counsel
Analysis of:	PCS to Third Edition H242-CSRQ-30		

SUMMARY: The Proposed Committee Substitute (PCS) for HB 242 removes all of the content of the bill and replaces it with changes to various charter school laws.

SECTION 1.1

CURRENT LAW: G.S. 115C-218.5 contains all of the following:

- The process for final approval of initial applications for charter schools.
- The process for charter reviews and renewals.
- Material revisions of charters.
- Non-material revisions of charters.

BILL ANALYSIS: This section of the PCS deletes the provisions on the process for charter reviews and renewals; material revisions of charters; and non-material revisions of charters so that each of those items can be set out in new individual statutes.

SECTION 1.2 –Review and Renewal of Charters

CURRENT LAW: G.S. 115C-218.5(d) provides that the State Board of Education (SBE) must review the operations of a charter school at least once every 5 years. The SBE must renew the charter for periods of 10 years unless 1 of the following applies: (i) the charter school has not provided financially sound audits for the past 3 years; (ii) the charter school's student academic outcomes for the past 3 years have not been comparable to the academic outcomes of student in the local school administrative unit in which the charter school is located; or (iii) the charter school is not in substantial compliance with laws, its own bylaws, or the provisions in its charter at the time of the request for the renewal.

BILL ANALYSIS: The current law on review and renewals would be set out again in a new separate statute.

The PCS would make one substantive change by directing the SBE to review the operations of a charter once every 10 years.

SECTION 1.3 – Material Revisions of Charters

CURRENT LAW: Material revisions of a charter can only be made upon the approval of the SBE. Enrollment growth greater than 20% is considered a material revision and the SBE may approve this growth only if the SBE finds all of the following:

- The actual enrollment of the charter school is within 10% of its maximum authorized enrollment.
- The charter school has commitments for 90% of the requested maximum growth.
- The charter school is not identified as low-performing.
- The charter school meets generally accepted standards of fiscal management.

- The charter school is substantially in compliance with all laws, its bylaws, and its charter.

BILL ANALYSIS: The PCS would provide the SBE with the discretion to waive the requirement that the actual enrollment is within 10% of the maximum authorized enrollment when a charter school is asking for a material revision because of a proposed capital expansion but has not been able to meet that requirement. In this situation, the charter school would have to provide the SBE with the following information:

- The requested increase in enrollment growth is within a reasonable margin of the threshold necessary to support the material revision.
- The charter school has secured financing for its proposed capital expansion conditioned on its obtaining the requested material revision.

If the SBE grants a material revision for enrollment growth based on evidence of a proposed capital expansion and the charter school is not able to realize the capital expansion within 2 years of the grant of the material revision, the charter school would reflect the maximum authorized enrollment that was in place immediately preceding the material revision.

SECTION 1.4 – Non-Material Revisions of Charters

CURRENT LAW: Prior approval of the SBE is not needed and it is not considered a material revision of the charter for a charter school to any of the following:

- Increase its enrollment during the 2nd year of operation and annually thereafter by up to 20% of the school's previous year's enrollment.
- Increase its enrollment during the 2nd year of operation and annually thereafter in accordance with the planned growth authorized in the charter.
- Expand to offer one grade higher or lower than it currently offers if the charter school has operated for at least 3 years, has not been identified as having inadequate performance, and has been in financial compliance.

BILL ANALYSIS: The PCS would change the requirement that the charter school "has not been identified as having inadequate performance" to that it "has not been identified as a continually low-performing school".

SECTION 1.5 – Enrollment Priority

CURRENT LAW: Charter schools can give enrollment priority in a number of different situations, including to siblings of currently enrolled students; children of full-time employees; and students who were enrolled at the school within the past 2 years but left for specific reasons such as parental work opportunities.

BILL ANALYSIS: The PCS would add 2 more enrollment priority categories:

- Students who were enrolled in another charter school in the State in the previous year that does not offer the students' next grade levels.
- Students who were enrolled in another charter school in the State in the previous year that does not offer the students' next grade levels and both schools have enrollment articulation agreements to accept students or are governed by the same board of directors.

SECTION 1.6 – Inadequate Performance

CURRENT LAW: The SBE must adopt criteria for adequate performance of a charter school and has to identify schools with inadequate performance. The criteria has to include a requirement that a charter school is inadequate if it has no growth in student performance and has annual performance composites below 60% in any 2 years in a 3 year period. If a charter school is inadequate in the first 5 years of its charter, it must develop a plan to meet specific goals for student performance which must also be approved by the SBE. The SBE can terminate or not renew a charter if there is no improvement. If a charter is inadequate and has had a charter for more than 5 years, the SBE can terminate, not renew, or seek applicants to assume the charter.

BILL ANALYSIS: The PCS would require the SBE to identify low-performing and continually low-performing charter schools on an annual basis in the same manner as traditional public schools and provide the same assistance and intervention. If a charter school is continually low-performing, the SBE would be able to terminate, not renew, or seek applicants to assume the charter.

However, the SBE cannot terminate or not renew the charter of a continually low-performing school solely because of its continually low-performing status if: (i) the school's academic achievement is comparable to the schools in the local school administrative unit in which the charter school is located; or (ii) the charter has an approved strategic improvement plan and is making measurable progress toward adequate student performance goals.

A school that had been identified as being inadequate and is following a strategic plan would not be required to continue that plan in 2016-2017 if it is not then identified as low-performing.

SECTION 1.7 – Information on Per Pupil Shares of Local Current Expense Funds

CURRENT LAW: LEAs must give each charter school to which it transfers a per pupil share of its local current expense fund specific information, including the amount of monies in the LEA's various funds and the student membership numbers used to calculate the per pupil share of the local current expense fund.

BILL ANALYSIS: The PCS would require the LEA to provide the SBE with the same information that it provides to the charter schools to which it transfers a per pupil share of its local current expense fund. The SBE would have to adopt a policy on the collection of this information and issues letters of non-compliance if the information is not submitted. This section would also make a conforming change.

SECTIONS 2.1-2.3 – Charter Schools Included in Low-Performing Schools

BILL ANALYSIS: The PCS would provide that charter schools are included in the identification of low-performing schools and in the definition of continually low-performing schools.

SECTION 3 – Charter Schools May Become Cooperative Innovative High Schools

BILL ANALYSIS: The PCS would allow a charter school to seek to establish a cooperative innovative high school. If the charter school is approved as a cooperative innovative high school, then it would be subject to the statutes and rules applicable to cooperative innovative high schools.

SECTION 4 – Exemption from Contested Case Provisions of the Administrative Procedures Act

BILL ANALYSIS: The PCS would provide that the denial of an application or nonrenewal for a charter school would not be subject to the contested case provisions of the Administrative Procedures Act.

SECTION 5 – Fast Track Charter Application Timelines

CURRENT LAW: The SBE must have a process and rules for the fast-track replication of high-quality charter schools. The decisions of the SBE on whether to grant a charter through the fast-track replication process must be completed in less than 150 days. In addition, the SBE was required to adopt these rules and procedures by December 15, 2014 and report to the Joint Legislative Education Oversight Committee by February 15, 2015.

BILL ANALYSIS: The PCS would provide that the SBE must decide whether to grant a charter through the fast-track replication process in less than 90 days from the application submission date. The SBE must provide a decision no later than September 30 of the year immediately preceding the year of the proposed school opening. The SBE must adopt rules and procedures within 90 days of the effective date of this act and must report to the Joint Legislative Education Oversight Committee within 120 days of the effective date of the act.

SECTION 6 – This section makes conforming changes to other statutes.

EFFECTIVE DATE: The bill becomes effective when it becomes law and applies beginning with the 2016-2017 school year. Section 4 applies to charter applications and charter renewals on or after the effective date of the bill. Section 5 applies beginning with applications submitted for fast-track replication of schools opening in the 2017-2018 school year.

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-1-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Christina Hay	
Doug Miskiew	PSG
Peter Daniel	CCS
John Hairr	Speakers Intern
Taylor James	Senator Cook's intern.
Susan Harrison	NCSSWA
Joel Maynard	Beginnings
Julie Kowal	BEST NC
Leanna Winner	NCSBA

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-1-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Nikki Baker	UNCG

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-1-16

Date

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NAME	FIRM OR AGENCY AND ADDRESS
Kari Travis	Carolina Journal
J Pingley	NCCLGR
Bob Phillips	CCNC
Erin Estes	Lt. Gov.
Hannah Wallace	Lt. Gov.
Steve Walker	Lt. Gov.
Robb Jansen	State Bd. of Ed
Lee Temple	NCPCSA
Angel Sams	WCSR
Laura DeVun	WCSR
Donna Clark	UNCDG
Robert Stinckland JR	Sen. Jeff Tarte
Tom Mott	NCICU
Johanna Reese	NCACC
Sharpe Newton	Buck Newton
Lanier Hodgson	UNC
Amber Harris	NCACC

09-21-201

Zane Stilwell TSG

Senate Committee on Education/Higher Education
June 8, 2016, 11:00 a.m.
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 242	Various Charter School Law Changes	Representative Faircloth Representative Stam
HB 657	Math Standard Course of Study Revisions	Representative Elmore Representative Howard

Adjournment

Senate Committee on Education/Higher Education
Wednesday, June 8, 2016 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on June 8, 2016 in Room 544 of the Legislative Office Building. 21 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by recognizing the Sergeants at Arms and the Senate Pages.

HB 242 Various Charter School Law Changes. (Representatives Faircloth, Stam)
Senator Curtis moved to adopt the Proposed Committee Substitute for consideration. Senator Cook seconded the motion and the motion was approved.

Senator Tillman presented HB 242.

Senator Tillman offered an amendment to HB 242 and members of the committee were given the opportunity to ask questions to staff and the amendment sponsor. Senator Rabin moved to adopt the amendment and Senator Cook seconded the motion. The motion was approved and the amendment was adopted.

Senator Krawiec offered an amendment and members of the committee were given the opportunity to ask questions to staff and the amendment sponsor. Senator Rabin moved to adopt the amendment and Senator Cook seconded the motion. The motion was approved and the amendment was adopted.

Senator Rabin moved to adopt the Proposed Committee Substitute favorable to the Proposed Committee Substitute as amended, rolled into a new proposed committee substitute, with a favorable report to the new committee substitute and an unfavorable report to the original bill. Senator Krawiec seconded the motion and the Proposed Committee Substitute was approved.

HB 657 Math Standard Course of Study Revisions. (Representatives Elmore, Howard)
Senator Cook moved to adopt the Proposed Committee Substitute for consideration. Senator Tillman seconded the motion and the motion was approved.

Senator Tillman introduced HB 657 and asked staff to walk through the bill for the members of the committee.

Senator Barringer offered an amendment and the amendment was adopted.

Members of the committee were given the opportunity to ask questions to the bill sponsor and staff.

Members of the public were given the opportunity to comment on the bill. The speakers are as follows:

1. Christina Hoy, of Dignify Teachers, spoke against HB 657.
2. Julie Schilawski, former Wake County math teacher and school administrator, spoke in support of HB 657.
3. Wendy Bartlett, Forsyth County math teacher, spoke against HB 657.
4. Hope Harrington, student at Garner Magnet High School, spoke in support of HB 657.

Senator Bingham moved to adopt the Proposed Committee Substitute favorable to the proposed committee substitute as amended, rolled into a new proposed committee substitute, with a favorable report to the new committee substitute and an unfavorable report to the original bill. The Proposed Committee Substitute was approved.

The meeting adjourned at 11:58 AM.

Senator Chad Barefoot, Chair
Presiding

Eric Naisbitt, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Wednesday, June 08, 2016

Senator Barefoot,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **242** **(CS#1)** White Collar Investigation.

Draft Number:	H242-PCS40652-RQ-30
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

HB **657** **(CS#1)** Study UNC-Fixed Tuition.

Draft Number:	H657-PCS30519-TC-77
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 2

Senator Jerry W. Tillman will handle HB 242
Senator Jerry W. Tillman will handle HB 657

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 242
Committee Substitute Favorable 3/24/15
Third Edition Engrossed 3/26/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H242-CSRQ-30 [v.9]
06/07/2016 05:05:00 PM

Short Title: Various Charter School Law Changes. (Public)

Sponsors:

Referred to:

March 17, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE CHARTER SCHOOL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1.1. G.S. 115C-218.5 reads as rewritten:

"**§ 115C-218.5. Final approval of applications for charter schools.**

(a) The State Board may grant final approval of an application if it finds the following:

(1) The application meets the requirements set out in this Article and such other requirements as may be adopted by the State Board of Education.

(2) The applicant has the ability to operate the school and would be likely to operate the school in an educationally and economically sound manner.

(3) Granting the application would achieve one or more of the purposes set out in G.S. 115C-218.

In reviewing applications for the establishment of charter schools within a local school administrative unit, the State Board is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure.

(b) The State Board shall make final decisions on the approval or denial of applications by August 15 of a calendar year on all applications it receives prior to a date established by the Office of Charter Schools for receipt of applications in that application cycle. The State Board may make the final decision for approval contingent upon the successful completion of a planning period prior to enrollment of students.

(c) The State Board of Education may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. The State Board shall not allocate any funds to the school until the school has obtained space.

(d) The State Board of Education may grant the initial charter for a period not to exceed 10 years. ~~The State Board of Education shall renew the charter upon the request of the chartering entity for subsequent periods of 10 years, unless one of the following applies:~~

~~(1) The charter school has not provided financially sound audits for the prior three years.~~

~~(2) The charter school's student academic outcomes for the past three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.~~

~~(3) The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own bylaws, or the provisions set forth in its charter granted by the State Board of Education.~~

~~The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.~~

~~(e) A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.~~

~~Except as provided in subsection (f) of this section, enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than twenty percent (20%) only if the State Board finds all of the following:~~

~~(1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.~~

~~(2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.~~

~~(3) The charter school is not currently identified as low-performing.~~

~~(4) The charter school meets generally accepted standards of fiscal management.~~

~~(5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board.~~

~~(f) It shall not be considered a material revision of a charter application and shall not require prior approval of the State Board for a charter school to do any of the following:~~

~~(1) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to twenty percent (20%) of the school's previous year's enrollment.~~

~~(2) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.~~

~~(3) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as having inadequate performance as provided in G.S.115C-218.95(b), and (iii) has been in financial compliance as required by the State Board of Education.~~"

SECTION 1.2. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.6. Review and renewal of charters.**

(a) The State Board of Education shall review the operations of each charter school at least once prior to the expiration of its charter to ensure that the school is meeting the expected academic, financial, and governance standards.

(b) The State Board of Education shall renew a charter upon the request of the chartering entity for subsequent periods of 10 years, unless one of the following applies:

(1) The charter school has not provided financially sound audits for the immediately preceding three years.

(2) The charter school's student academic outcomes for the immediately preceding three years have not been comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.

(3) The charter school is not, at the time of the request for renewal of the charter, substantially in compliance with State law, federal law, the school's own

bylaws, or the provisions set forth in its charter granted by the State Board of Education.

If one of the conditions set forth in subdivisions (1) through (3) applies, then the State Board may renew the charter for a period of less than 10 years or not renew the charter."

SECTION 1.3. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.7. Material revisions of charters.**

(a) A material revision of the provisions of a charter shall be made only upon the approval of the State Board of Education.

(b) Enrollment growth of greater than twenty percent (20%) shall be considered a material revision of the charter. The State Board may approve such additional enrollment growth of greater than twenty percent (20%) only if it finds all of the following:

(1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment.

(2) The charter school has commitments for ninety percent (90%) of the requested maximum growth.

(3) The charter school is not currently identified as low-performing.

(4) The charter school meets generally accepted standards of fiscal management.

(5) The charter school is, at the time of the request for the enrollment increase, substantially in compliance with State law, federal law, the charter school's own bylaws, and the provisions set forth in its charter granted by the State Board.

(c) For the purposes of calculating actual enrollment and maximum authorized enrollment under subdivision (1) of subsection (b) of this section, if a charter school is pursuing a material revision of enrollment growth based on a proposed capital expansion of the charter school, but fails to meet the requirements of subdivision (1) of subsection (b) of this section, the State Board shall have the discretion to investigate and determine whether subdivision (1) of subsection (b) of this section may be waived to grant the school's material revision request to allow the capital expansion to move forward. In making such a determination, the charter school shall provide the State Board with documentation to show evidence that demonstrates sufficiently in the State Board's discretion all of the following:

(1) The requested increase in enrollment growth is within a reasonable margin of the threshold necessary to support the requested material revision.

(2) The charter school has secured financing for its proposed capital expansion conditioned on its obtaining the requested material revision of enrollment growth.

(d) If a charter school presents evidence of a proposed capital expansion as part of a request for a material revision of enrollment growth under this section that is granted by the State Board, and the charter school is not able to realize that capital expansion within two years of the grant of the material revision, the charter shall reflect the maximum authorized enrollment immediately preceding that material revision."

SECTION 1.4. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-218.8. Non-material revisions of charters.**

It shall not be considered a material revision of a charter and shall not require prior approval of the State Board for a charter school to do any of the following:

(a) Increase its enrollment during the charter school's second year of operation and annually thereafter by up to twenty percent (20%) of the school's previous year's enrollment.

(b) Increase its enrollment during the charter school's second year of operation and annually thereafter in accordance with planned growth as authorized in its charter.

(c) Expand to offer one grade higher or lower than the charter school currently offers if the charter school has (i) operated for at least three years, (ii) has not been identified as having inadequate performance as provided in G.S. 115C-218.95(b) and (iii) has been in financial compliance as required by the State Board."

SECTION 1.5. G.S. 115C-218.45(f) reads as rewritten:

"(f) The charter school may give enrollment priority to any of the following:

(1) Siblings of currently enrolled students who were admitted to the charter school in a previous year. For the purposes of this section, the term "siblings" includes any of the following who reside in the same household: half siblings, stepsiblings, and children residing in a family foster home.

(2) Siblings of students who have completed the highest grade level offered by that school and who were enrolled in at least four grade levels offered by the charter school or, if less than four grades are offered, in the maximum number of grades offered by the charter school.

(3) Limited to no more than fifteen percent (15%) of the school's total enrollment, unless granted a waiver by the State Board of Education, the following:

a. Children of the school's full-time employees.

b. Children of the charter school's board of directors.

(4) A student who was enrolled in the charter school within the two previous school years but left the school (i) to participate in an academic study abroad program or a competitive admission residential program or (ii) because of the vocational opportunities of the student's parent.

(5) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level.

(6) A student who was enrolled in another charter school in the State in the previous school year that does not offer the student's next grade level and both of the charter schools have an enrollment articulation agreement to accept students or are governed by the same board of directors."

SECTION 1.7. G.S. 115C-218.105 reads as rewritten:

"(a) The State Board of Education shall allocate to each charter school:

(1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency;

(2) An additional amount for each child attending the charter school who is a child with disabilities; and

(3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with ~~G.S. 115C-218.5(d),~~ G.S. 115C-218.7 and G.S. 115C-218.8, the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with disabilities leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with disabilities enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with disabilities.

(b) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for

charter schools and may be used for payments on loans made to charter schools for facilities, equipment, or operations. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(c) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and charter school may use the process for mediation of differences between the State Board and a charter school provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides.

(d) The local school administrative unit shall also provide each charter school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (c) of this section:

(1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).

(2) The student membership numbers used to calculate the per pupil share of the local current expense fund.

(3) How the per pupil share of the local current expense fund was calculated.

(4) Any additional records requested by a charter school from the local school administrative unit in order for the charter school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

In addition, the local school administrative unit shall provide to the State Board of Education all of the information required by this subsection for each charter school to which it transfers a per pupil share of its local current expense fund. This information shall be provided to the State Board of Education by November 1 of each year. The State Board shall adopt a policy to govern the collection of this information. The State Board shall issue a letter of non-compliance to a local school administrative unit that does not provide the State Board with the information required by this subsection."

(e) Prior to commencing an action under subsection (c) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and costs incurred in an action under subsection (c) of this section. The court shall order any delinquent funds, costs, fees, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment."

SECTION 2. Section 6.5 of S.L. 2014-101 reads as rewritten:

"SECTION 6.5. Upon recommendations by the Office of Charter Schools and the Charter Schools Advisory Board, the State Board of Education shall adopt a process and rules for fast-track replication of high-quality charter schools currently operating in the State. The State Board of Education shall not require a planning year for applicants selected through the fast-track replication process. In addition to the requirements for charter applicants set forth in Part 6A of Article 16 of Chapter 115C of the General Statutes, the fast-track replication process adopted by

the State Board of Education shall, at a minimum, require a board of directors of a charter school to demonstrate one of the following in order to qualify for fast-track replication:

(1) A charter school in this State governed by the board of directors has student academic outcomes that are comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located and can provide three years of financially sound audits.

(2) The board of directors agrees to contract with an education management organization or charter management organization that can demonstrate that it can replicate high-quality charter schools in the State that have proven student academic success and financial soundness.

The State Board of Education shall ensure that the rules for a fast-track replication process provide that decisions by the State Board of Education on whether to grant a charter through the replication process are completed in less than ~~150 days.~~90 days from the application submission date. The State Board shall provide a decision no later than September 30 of the year immediately preceding the year of the proposed school opening. The State Board of Education shall adopt rules and procedures required by this section by ~~December 15, 2014,~~within 90 days of the effective date of this act, and report to the Joint Legislative Education Oversight Committee by ~~February 15, 2015.~~within 120 of the effective date of this act."

SECTION 3. It is the intent of the General Assembly to study and revise the standards for inadequate performance for charter schools.

SECTION 4. Section 2 of this act is effective when it becomes law and applies beginning with applications submitted for fast-track replication of schools opening in the 2017-2018 school year. The remainder of this act becomes effective when it becomes law and applies beginning with the 2016-2017 school year.

HOUSE BILL 242:
Various Charter School Law Changes.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	June 8, 2016
Introduced by:	Reps. Faircloth, Stam	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Co-Counsel
Analysis of:	PCS to Third Edition H242-CSRQ-30		

SUMMARY: The Proposed Committee Substitute (PCS) for HB 242 removes all of the content of the bill and replaces it with changes to various charter school laws.

SECTION 1.1

CURRENT LAW: G.S. 115C-218.5 contains all of the following:

- The process for final approval of initial applications for charter schools.
- The process for charter reviews and renewals.
- Material revisions of charters.
- Non-material revisions of charters.

BILL ANALYSIS: This section of the PCS deletes the provisions on the process for charter reviews and renewals; material revisions of charters; and non-material revisions of charters so that each of those items can be set out in new individual statutes.

SECTION 1.2 –Review and Renewal of Charters

CURRENT LAW: G.S. 115C-218.5(d) provides that the State Board of Education (SBE) must review the operations of a charter school at least once every 5 years. The SBE must renew the charter for periods of 10 years unless 1 of the following applies: (i) the charter school has not provided financially sound audits for the past 3 years; (ii) the charter school's student academic outcomes for the past 3 years have not been comparable to the academic outcomes of student in the local school administrative unit (LEA) in which the charter school is located; or (iii) the charter school is not in substantial compliance with laws, its own bylaws, or the provisions in its charter at the time of the request for the renewal.

BILL ANALYSIS: The current law on review and renewals would be set out again in a new separate statute.

The PCS would direct the SBE to review the operations of a charter at least once prior to the expiration of the charter rather than once every 5 years.

The PCS would clarify that the 3 years to be considered in renewal requests are the immediately preceding 3 years.

Finally, the PCS would provide that if 1 of the 3 conditions does apply in the case of a renewal request (charter does not have financially sound audits; student academic outcomes not comparable to LEA; or the charter is not in compliance with laws), then the SBE may renew the charter for a period of less than 10 years or not renew the charter.

Karen Cochrane-Brown
Director

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

SECTION 1.3 – Material Revisions of Charters

CURRENT LAW: Material revisions of a charter can only be made upon the approval of the SBE. Enrollment growth greater than 20% is considered a material revision and the SBE may approve this growth only if the SBE finds all of the following:

- The actual enrollment of the charter school is within 10% of its maximum authorized enrollment.
- The charter school has commitments for 90% of the requested maximum growth.
- The charter school is not identified as low-performing.
- The charter school meets generally accepted standards of fiscal management.
- The charter school is substantially in compliance with all laws, its bylaws, and its charter.

BILL ANALYSIS: The PCS would provide the SBE with the discretion to waive the requirement that the actual enrollment is within 10% of the maximum authorized enrollment when a charter school is asking for a material revision because of a proposed capital expansion but has not been able to meet that requirement. In this situation, the charter school would have to provide the SBE with the following information:

- The requested increase in enrollment growth is within a reasonable margin of the threshold necessary to support the material revision.
- The charter school has secured financing for its proposed capital expansion conditioned on its obtaining the requested material revision.

If the SBE grants a material revision for enrollment growth based on evidence of a proposed capital expansion and the charter school is not able to realize the capital expansion within 2 years of the grant of the material revision, the charter school would reflect the maximum authorized enrollment that was in place immediately preceding the material revision.

SECTION 1.4 – Non-Material Revisions of Charters

CURRENT LAW: Prior approval of the SBE is not needed and it is not considered a material revision of the charter for a charter school to any of the following:

- Increase its enrollment during the 2nd year of operation and annually thereafter by up to 20% of the school's previous year's enrollment.
- Increase its enrollment during the 2nd year of operation and annually thereafter in accordance with the planned growth authorized in the charter.
- Expand to offer one grade higher or lower than it currently offers if the charter school has operated for at least 3 years, has not been identified as having inadequate performance, and has been in financial compliance.

BILL ANALYSIS: The PCS would make no changes to the existing law—only re-codify it into a new section.

SECTION 1.5 – Enrollment Priority

CURRENT LAW: Charter schools can give enrollment priority in a number of different situations, including to siblings of currently enrolled students; children of full-time employees; and students who were enrolled at the school within the past 2 years but left for specific reasons such as parental work opportunities.

BILL ANALYSIS: The PCS would add 2 more enrollment priority categories:

- Students who were enrolled in another charter school in the State in the previous year that does not offer the students' next grade levels.
- Students who were enrolled in another charter school in the State in the previous year that does not offer the students' next grade levels and both schools have enrollment articulation agreements to accept students or are governed by the same board of directors.

SECTION 1.7 – Information on Per Pupil Shares of Local Current Expense Funds

CURRENT LAW: LEAs must give each charter school to which it transfers a per pupil share of its local current expense fund specific information, including the amount of monies in the LEA's various funds and the student membership numbers used to calculate the per pupil share of the local current expense fund.

BILL ANALYSIS: The PCS would require the LEA to provide the SBE with the same information that it provides to the charter schools to which it transfers a per pupil share of its local current expense fund. The SBE would have to adopt a policy on the collection of this information and issues letters of non-compliance if the information is not submitted. This section would also make a conforming change.

SECTION 2 – Fast Track Charter Application Timelines

CURRENT LAW: The SBE must have a process and rules for the fast-track replication of high-quality charter schools. The decisions of the SBE on whether to grant a charter through the fast-track replication process must be completed in less than 150 days. In addition, the SBE was required to adopt these rules and procedures by December 15, 2014 and report to the Joint Legislative Education Oversight Committee by February 15, 2015.

BILL ANALYSIS: The PCS would provide that the SBE must decide whether to grant a charter through the fast-track replication process in less than 90 days from the application submission date. The SBE must provide a decision no later than September 30 of the year immediately preceding the year of the proposed school opening. The SBE must adopt rules and procedures within 90 days of the effective date of this act and must report to the Joint Legislative Education Oversight Committee within 120 days of the effective date of the act.

SECTION 3 – This section provides that it is the intent of the General Assembly to study and revise the standards for inadequate performance for charter schools.

EFFECTIVE DATE: The bill becomes effective when it becomes law and applies beginning with the 2016-2017 school year. Section 2 applies beginning with applications submitted for fast-track replication of schools opening in the 2017-2018 school year.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 242

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

H242-ARQ-63 [v.1]

Amends Title [NO]
H242-CSRQ-30 [v.9]

Date _____,2016

Senator Krawiec

moves to amend the bill on page 6, line 14 by deleting the following:

"September 30" and replacing with "October 15";

And on page 6, line 17, by rewriting the line to read:

"of this act, and report to the Joint Legislative Education Oversight Committee ~~by February 15,~~".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 242

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

H242-ATC-163 [v.4]

Amends Title [NO]
H242-CSRQ-30

Date _____,2016

Senator Tillman

moves to amend the bill on page 4, line 3, by rewriting that line to read:

"continually low-performing as provided in G.S. 115C-218.94, and (iii) has been";

And on page 5, lines 43-44, by inserting the following section between those lines:

"**SECTION 1.8.(a). Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:**

"**§ 115C-218.94. Identification of low-performing and continually low-performing charter schools.**

(a) Identification of Low Performing Charter Schools. – The State Board of Education shall identify low-performing charters schools on an annual basis. Low-performing charter schools are those that receive a school performance grade of D or F and a school growth score of "met expected growth" or "not met expected growth" as defined by G.S. 115C-83.15.

(b) Identification of Continually Low-Performing Charter Schools. – The State Board of Education shall identify continually low-performing charters schools on an annual basis. A continually low-performing charter school is a charter school that has been designated by the State Board as low-performing for at least two of three consecutive years."

SECTION 1.8.(b). G.S. 115C-218.95 reads as rewritten:

"**§ 115C-218.95. Causes for nonrenewal or termination; disputes.**

(a) The State Board of Education may terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board upon any of the following grounds:

(1) Failure to meet the requirements for student performance contained in the charter;
(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.

~~(b) The State Board shall adopt criteria for adequate performance by a charter school and shall identify charter schools with inadequate performance. The criteria shall include a requirement that a charter school which demonstrates no growth in student performance and has annual performance composites below sixty percent (60%) in any two years in a three-year period is inadequate.~~

~~(1) If a charter school is inadequate in the first five years of the charter, the charter school shall develop a strategic plan to meet specific goals for student performance that are consistent with State Board criteria and the mission approved in the charter school. The strategic plan shall be reviewed and approved by the State Board. The State Board is authorized to terminate or not renew a charter for failure to demonstrate improvement under the strategic plan.~~

~~(2) If a charter school is inadequate and has had a charter for more than five years, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board. The State Board shall develop rules on the assumption of a charter by a new entity that include all aspects of the operations of the charter school, including the status of the employees. Public assets would transfer to the new entity and not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-218.100(b).~~

(b1) If a charter school is continually low-performing, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board. However, the State Board shall not terminate or not renew the charter of a continually low-performing charter school solely for its continually low-performing status if the charter school has met growth in each of the immediately preceding three school years or if the charter school has implemented a strategic improvement plan approved by the State Board and is making measurable progress toward student performance goals. The State Board shall develop rules on the assumption of a charter by a new entity that includes all aspects of the operations of the charter school, including the status of the employees. Public assets shall transfer to the new entity and shall not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-218.100(b).

(c) The State Board of Education shall develop and implement a process to address contractual and other grievances between a charter school and the local board of education during the time of its charter.

(d) 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. The mediator shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the differences. The mediator shall, at the request of either the State Board or a charter school, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. The mediator may determine that an impasse exists and discontinue the mediation at any time. The mediator shall not make any recommendations or public statement of findings or conclusions. The State Board and the charter school shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes."

SECTION 1.8.(c). G.S. 135-5.3(b7) reads as rewritten:

"(b7) The Board of Trustees may grant final approval of the application if it finds the following:

(1) The application meets the requirements set out in this Article.

(2) All members of the board of directors of the charter school have signed a written statement acknowledging and accepting the estimate provided under subsection (b5) of this section and the provisions of G.S. 135-8(i).

(3) The charter school has not been identified as ~~inadequate~~ continually low-performing by the State Board of Education as provided in ~~G.S. 115C-218.95(b).~~G.S. 115C-218.94.

(4) The charter school's most recent audited financial statements and independent audit report demonstrate that it is financially sound and can meet the financial obligations of participation in the Retirement System."

SECTION 1.8.(d). A charter school identified as inadequate that developed and is following a strategic plan required by G.S. 115C-218.95(b)(1), as repealed by this section, shall not be required to continue the strategic plan during the 2016-2017 school year and thereafter if that charter school has not been identified as low-performing under G.S. 115C-218.94.";

And on page 6, line 20 by rewriting the line to read:

"for identifying low-performing charter schools.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 242

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

H242-ARQ-62 [v.1]

Amends Title [NO]
H242-CSRQ-30[v.9]

Date _____,2016

Senator Tillman

moves to amend the bill on page 5, lines 43-44 by inserting the following between those lines:

"**SECTION 1.9.** G.S. 115C-12 is amended by adding a new subdivision to read:

"(45) **To Issue Final Agency Decisions in Contested Case Proceedings.** – The State Board shall issue final agency decisions in all contested case proceedings under Chapter 150B of the General Statutes that were filed as a result of actions taken under Article 14A of the Chapter 115C of the General Statutes, including but not limited to the denial, revocation, or non-renewal of a charter."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 657

Committee Substitute Favorable 4/21/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H657-CSTC-77 [v.7]
06/07/2016 07:11:03 PM

Short Title: Math Standard Course of Study Revisions. (Public)

Sponsors:

Referred to:

April 14, 2015

A BILL TO BE ENTITLED

AN ACT TO INCREASE RIGOR, FOCUS AND CAREER READINESS TO THE MATHEMATICS STANDARD COURSE OF STUDY BY REQUIRING THE STATE BOARD OF EDUCATION TO MODIFY AND REVISE THE MATHEMATICS STANDARD COURSE OF STUDY IN ORDER TO OFFER THE TRADITIONAL SEQUENCE OF MATHEMATICS COURSES AND TO DISALLOW THE USE OF A CAREER AND TECHNICAL EDUCATION COURSE AS A SUBSTITUTE TO SATISFY A GRADUATION REQUIREMENT FOR A FOURTH CREDIT IN MATHEMATICS.

The General Assembly of North Carolina enacts:

SECTION 1. The State Board of Education shall modify the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2016, to increase rigor, focus and career readiness and to provide choice to students and parents for the sequence of mathematics instruction most appropriate for the needs of that student and the student's post-secondary school plans as follows:

(1) The State Board of Education shall revise and reorganize the North Carolina Mathematics Course of Study to include a sequence of current mathematics standards that align to the traditional sequence of mathematics courses of (i) Algebra I, (ii) Geometry, and (iii) Algebra II.

(2) For students beginning the sequence of mathematics instruction in the 2017-2018 school year, local boards of education shall be required to offer course options aligned with the traditional sequence of mathematics courses of (i) Algebra I, (ii) Geometry, and (iii) Algebra II for students to satisfy the graduation requirements leading to a fourth credit in mathematics.

(3) For the 2017-2018 school year, the State Board shall indicate to local boards of education those standards that should be supplemented for students enrolling in the traditional course of Algebra I to ensure student success on current student assessments available for that course.

(4) All changes to the mathematics standard course of study required by this section shall be offered to students beginning the sequence of mathematics instruction with the 2017-2018 school year.

SECTION 2. The State Board of Education, in conjunction with the State Board of Community Colleges, shall conduct a comprehensive review of the North Carolina Mathematics Standard Course of Study in order to develop a revised mathematics standard course of study for grades kindergarten through grade 12 that increases rigor, focus, and career readiness, ensures high quality standards in all sequences, and provides options for students and parents in

determining the sequence of mathematics instruction most appropriate for the needs of that student and the student's post-secondary school plans. The revised kindergarten through grade 12 mathematics standard course of study, including student assessments aligned with revisions, shall be implemented beginning with the 2018-2019 school year. The State Board of Education, in conjunction with the State Board of Community Colleges, shall do all of the following in developing revisions to the mathematics standard course of study:

(1) Maintain the option of enrolling in the traditional sequence of mathematics courses for grades nine through 12 as required by Section 1 of this act.

(2) Specifically focus on issues related to remediation in mathematics at the community college and university level.

(3) Ensure that the process for conducting the review and developing the standard course of study is transparent and that information is made available to the public.

(4) Involve stakeholders in the process for developing mathematics standards and sequences that meet and reflect North Carolina's priorities and the usefulness of the content standards and sequences, including surveying a representative sample of parents, teachers, and the public and allowing for public comment opportunities. Where applicable, information and stakeholder feedback gathered during the review conducted by the State Board of Education and the Department of Public Instruction of the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2010, and implemented beginning with the 2012-2013 school year, and the review conducted by the State Board of Education and the Department of Public Instruction of the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2016, may be utilized to inform the review process.

(5) Consider the information gathered by and the recommendations regarding mathematics standards from the Academic Standards Review Commission, established under Section 2 of S.L. 2014-78, including the North Carolina Academic Standards Review Commission's Report of Findings and Recommendations, published December 31, 2015.

(6) Ensure that the mathematics standards and sequences do all of the following:

a. Increase students' level of academic achievement.

b. Meet and reflect North Carolina's priorities in increasing rigor, focus and career readiness by ensuring that students are ready to pursue post-secondary school plans without remediation and have the skills and knowledge to successfully begin employment or post-secondary education.

c. Are age level and developmentally appropriate.

d. Are understandable to parents and teachers.

e. Are among the highest standards in the nation.

SECTION 3. In establishing graduation requirements in mathematics to align with the standard course of study developed in Section 2 of this act, the State Board of Education shall not allow career and technical education courses to be used as substitutions to satisfy the graduation requirement for a fourth credit in mathematics unless the student has an Individualized Education Plan that identifies the student as learning disabled in the area of mathematics and states that this learning disability will prevent the student from mastering Algebra I.

SECTION 4. By March 15, 2018, the State Board of Education, in conjunction with the State Board of Community Colleges, shall submit a report to the General Assembly, in accordance with G.S. 120-29.5, and the Joint Legislative Education Oversight Committee containing at least the following information:

(1) A complete copy of the revised mathematics standard course of study and mathematics sequence options developed in accordance with Section 2 of this act.

(2) A document that provides information on all of the differences between the revised mathematics standard course of study and mathematics sequence options developed in accordance with Section 2 of this act and the North Carolina Mathematics Standard Course of Study that was adopted by the State Board in June 2016.

(3) A document that outlines the necessary corresponding changes to student assessments to align with the revised mathematics standard course of study and mathematics sequence options developed in accordance with Section 2 of this act.

SECTION 5. The revised mathematics standard course of study and mathematics sequence options developed in accordance with Section 2 of this act shall become effective on June 1, 2018, unless a bill that specifically disapproves the revised mathematics standard course of study is introduced in either house of the General Assembly before the thirty-first legislative day of the 2018 Regular Session of the 2017 General Assembly. The revised mathematics standard course of study shall become effective on the July 1 immediately following the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the revised mathematics standard course of study. If the revised mathematics standard course of study is specifically disapproved by a bill enacted into law before it becomes effective, the revised mathematics standard course of study shall not become effective. For the purposes of this subsection, a bill specifically disapproves the revised mathematics standard course of study if it contains a provision that refers to the revised mathematics standard course of study and states that the revised mathematics standard course of study is disapproved. Notwithstanding any rule of either house of the General Assembly, any member of the General Assembly may introduce a bill during the first 30 legislative days of the 2018 Regular Session to disapprove the revised mathematics standard course of study that has been approved by the State Board and that has not become effective.

SECTION 6. This act becomes effective when it becomes law, Section 1 of this act applies to those students beginning the mathematics standard course of study in the 2017-2018 school year and thereafter.

HOUSE BILL 657:
Math Standard Course of Study Revisions.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	June 8, 2016
Introduced by:	Reps. Elmore, Howard	**Prepared by:**	Kara McCraw and James R. Ritter Committee Counsel
Analysis of:	PCS to Second Edition H657—CSTC-77		

SUMMARY: ***The contents on HB 657 that directed the UNC Board of Governors to study a fixed tuition program at constituent institutions are removed entirely and replaced by the Proposed Committee Substitute (PCS) that would require the following:***

- ***Local school administrative units (LEAs) must provide students and parents the option of a traditional sequence of mathematics courses beginning in 2017-2018.***
- ***The State Board of Education (SBE), in conjunction with the State Board of Community Colleges (SBCC), must review and revise the North Carolina Mathematics Standard Course of Study (MSCOS) for grades kindergarten through 12 to provide standards and sequence options for students and parents that best meets student's post-secondary instruction needs.***
- ***The SBE must not allow students to use a Career and Technical Education course to fulfill a mathematics graduation requirement, except for certain students with individualized education programs (IEPs).***
- ***The SBE must submit a report to the Joint Legislative Education Oversight Committee (JLEOC) by March 15, 2018 on the newly developed mathematics standards.***
- ***A process permitting disapproval of the standards adopted by the SBE by the General Assembly.***

CURRENT LAW: Under G.S. 115C-12(9c) the SBE is required to develop and revise content standards in core areas, such as mathematics, on an on-going basis. The Academic Standards Review Commission, formed under S.L. 2014-78, was required to conduct a comprehensive review of all English and mathematics standards, and report findings to the SBE by December 2015.

BILL ANALYSIS: The PCS for HB 657 would make the following changes:

Section 1 would require the SBE to modify the MSCOS adopted in June 2016 to provide choice to students and parents for the sequence of mathematics instruction as follows:

- Revise and reorganize the MSCOS to include a sequence of current mathematics standards to align to the traditional sequence of mathematics courses of: (i) Algebra I, (ii) Geometry, and (iii) Algebra II.
- Require local boards of education to offer students beginning mathematics instruction in the 2017-2018 school year course options aligned with the traditional sequence of mathematics courses to satisfy graduation requirements leading to a fourth credit in mathematics.
- Require the SBE for the 2017-2018 school year to indicate to local boards of education those standards that should be supplemented for students enrolling in the traditional Algebra I course to ensure student success on current student assessments for that course.

Karen Cochrane-Brown
Director

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Require all changes to the MSCOS provided for in this Section to be offered to students beginning with the 2017-2018 school year.

Section 2 would require the SBE, in conjunction with the SBCC, to conduct a comprehensive review of the kindergarten through grade 12 MSCOS to develop a revised MSCOS that provides rigor, ensures quality, and provides options for students and parents. The revised MSCOS (including assessments aligned with revisions) would be implemented beginning with the 2018-2019 school year. The revision process would require the following:

- Maintaining the option of a traditional sequence of mathematics courses for grades nine through 12.
- Focusing on issues related to remediation in mathematics at the community college and university level.
- Ensuring transparency and public information about the review process.
- Involving stakeholders, including surveying a representative sample of parents, teachers, and the public, and allowing public comment. Information and stakeholder feedback from the MSCOS review process in 2010 and 2016 may be utilized to inform the course review and sequencing process when applicable.
- Considering the information gathered by and the recommendations regarding mathematics from the Academic Standards Review Commission (ASRC), including the Commission's 2015 Report.
- Ensuring that mathematics standards do the following: (i) increase students' levels of academic achievement, (ii) meet and reflect North Carolina priorities in regards to rigor, focus, and career readiness, (iii) are age-level and developmentally appropriate, (iv) are understandable to parents and teachers, and (v) are among the highest standards in the nation.

Section 3 would prohibit the SBE from allowing career and technical education courses as a substitution to satisfy the graduation requirement for a fourth credit in mathematics except when a student has an IEP that identifies the student as learning disabled in mathematics and states that the learning disability prevents the student from mastering Algebra I.

Section 4 would direct the SBE in conjunction with the SBCC to report by March 15, 2018 to the JLEOC on the following: (i) a complete copy of the revised MSCOS and mathematics sequencing options, (ii) a document contrasting the differences between the revised MSCOS and the mathematics sequence options developed as part of the MSCOS adopted by the SBE in June 2016, and (iii) a document that outlines the necessary corresponding changes to student assessments to align with the revised MSCOS sequence options.

Section 5 The PCS would make the revised MSCOS and mathematics sequence options effective July 1, 2018 unless a bill that specifically disapproves the revised MSCOS is introduced in either house of the General Assembly before the 31st legislative day of the 2018 Regular Session of the 2017 General Assembly. The revised MSCOS would become effective on the July 1 immediately following the earlier of either the day an unfavorable final action is taken on the bill or the day that session of the General Assembly adjourns without ratifying a bill that specifically disapproves the revised MSCOS. However, if the revised MSCOS is specifically disapproved by a bill enacted into law before it becomes effective, the revised MSCOS would not become effective.

EFFECTIVE DATE: HB 657 would become effective when it becomes law and applies to students beginning the MSCOS in the 2017-2018 school year and thereafter.

BACKGROUND: North Carolina's Standard Course of Study defines the appropriate content standards for each grade level and each high school course to provide a uniform set of learning standards for every public school in North Carolina.

In 2010, the SBE adopted the Common Core State Standards as the model by which school districts and schools are currently required to plan, implement, and monitor K-12 instruction. New Extended Content Standards based on the State Common Core Standards and the State Essential Standards became operational for the 2012-13 school year.

As part of Common Core implementation high school math courses were: (i) re-named Math I, Math II, and Math III, and (ii) integrated to contain standards found throughout the traditional math sequence.

The Academic Standards Review Commission conducted a comprehensive review of all English and mathematics standards and submitted a report with recommendations to the 2016 Session of the 2015 General Assembly. The report recommended a return to the Algebra I, Geometry, and Algebra II traditional sequence of study.

In June 2016 the SBE adopted new Math I, Math II, and Math III standards. These standards were developed using information and data from: (i) stakeholder groups, (ii) a data review committee, and (iii) information provided through the ASRC report.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 657

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

H657-ATC-162 [v.1]

Amends Title [NO]
H567-CSTC-77[v.7]

Date _____,2016

Senator Barringer

moves to amend the bill on page 2, lines 42-47, by rewriting those lines to read:

"**SECTION 3.** In establishing graduation requirements in mathematics to align with the standard course of study developed in Section 2 of this act, the State Board of Education shall not allow career and technical education courses to be used as substitutions to satisfy the graduation requirement for a fourth credit in mathematics except as follows: If a student has an Individualized Education Plan that identifies the student as learning disabled in the area of mathematics and states that this learning disability will prevent the student from mastering Algebra I, that student shall be allowed to construct a four-course mathematics sequence that may include one or more career and technical education courses as appropriate, based on the student's Individualized Education Plan and post-secondary goals.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

"Improve Student Learning" by enhancing the successful charter school system, not HB 1080.

North Carolina General Statute 115C and related statutes regulating the K-12 system are over 600 pages long.

In 1996, because of decades of low scores in NC K-12 schools, the General Assembly created a system of independently operated charter schools governed by only 22 pages within GS 115C to "Improve Student Learning."

It is indisputable that today's 148 charter schools with over 80,000 students are achieving the intended purpose of the General Assembly for all categories of students by virtue of their superior academic scores quantitatively measured by the state's standardized End-of-Grade testing. That these results are achieved by saving the taxpayers over $80,000,000 annually is remarkable.

Percent Proficient Grade Level Proficient (GLP)		
Charter Students % GLP	**Demographic Subgroup w/ AMO**	**Traditional Students % GLP**
66.6%	All Students	56.2%
67.9%	Female	58.3%
65.3%	Male	54.1%
44.9%	American Indian	41.2%
89.3%	Asian	76.8%
46.8%	Black	37.0%
58.6%	Hispanic	44.9%
67.2%	Multi-racial	56.5%
75.1%	White	68.5%
95.5%	AIG	96.0%
49.9%	Economically Disadvantaged	41.5%
31.2%	English Learner	22.2%
75.0%	Migrant	35.1%
30.9%	Stu. W/ Disabilities	20.6%

Source: NC DPI Communication to Rep. Paul Stam by Rachel Beaulieu, 4/26/16

SENATOR JERRY W. TILLMAN
MAJORITY WHIP
NORTH CAROLINA SENATE
29TH DISTRICT

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JERRY.TILLMAN@NCLEG.NET

Presentation to Senate Education Committee

June 8, 2016

Background: Wake County high school teacher for 39 years, one year as a facilitator to assist elementary teachers in implementing common core, adjunct positions at NCSU and Meredith – supervision of student teachers and teaching math – won numerous teaching awards including Presidential Award, written curriculum and taught many workshops for math teachers; most recently, I served on the math work group for the ASRC in response to Senate Bill 812

I offer this background to perhaps give me credibility in my remarks today – my comments are based on years of teaching, working with teachers, a range of experiences K – university and in studying common core mathematics in depth through my role as a teacher, a facilitator, a supervisor of novice teachers, and serving on the math work group

I will address the selling points that common core proponents espouse and the criticisms they made of the Math Work Group report for the ASRC. I support HB 657

- Rigor – rigor in education implies that students are challenged and grow in their capabilities to perform mathematics. I was riding down the road one day listening to a talk show on the radio. A woman came on explaining how much more challenging math was now with common core. She shared that she had learned to find the perimeter of a rectangle, but her son had to apply that by finding the number of feet needed to enclose a rectangular garden. I almost wrecked my car. I was in 5th grade at Frances Lacy quite a while back – I specifically recall that not only would be given the dimensions of the garden, but we had to determine the perimeter, the number of feet which would include fractions of feet, the cost for purchasing the fencing, including tax. You see I had teachers who understood rigor and application. I read another example from a teacher who explained she asked her students what -4 x 9 was. After a student answered -36, she asked him why. The student replied that 4 x 9 was 36 and there was a negative so it's negative 36. The teacher recounted that wouldn't have happened before common core. REALLY? Rigor is an

outcome of the teacher and instruction rather than an outcome of the curriculum.

- Similarly, the same can be said about "teaching critical thinking." Asking students to connect the dots is dependent on the teacher's asking higher level questions; this is instruction and not curriculum. Discovery lessons have been around for decades and longer! Common core proponents would have you believe that they are teaching critical thinking whereas they didn't do that before – that begs the question, "Why not?" None of you had common core, but I am certain that you had teachers who pushed you to connect ideas and concepts, teachers who challenged you. Rigor and critical thinking are outcomes of best instructional practice.
- Integrated math common core proponents would like us all to believe that it is a step in a national, universal curriculum. Schools within a single LEA don't interpret common core the same way. Chapel Hill school district is using the Mathematics Vision Project developed by the state of Utah to supplement common core. No two LEA's are interpreting the standards in the same way. No two states are interpreting the standards in the same way. There is no national curriculum.
- Common core supporters exploited our statement that memory work is necessary by claiming we wanted to go back to rote learning. That is simply not true! Before you can apply knowledge, you have to have knowledge. I cannot ask a higher level question regarding functions if my students don't know what a function is. In every way we support teaching concepts. I have seen students who could not factor a simple trinomial without constructing a model that required 10 minutes to create. In teaching factoring, I set up labs that help students use the models to develop the concepts, but then we used efficient methods based on the models so that students can do problems quickly.
- Common core, as well as the recent revisions to integrate math, is composed of strands that are often unrelated. It results in disjoint units of study. Students study probability for two weeks, then they study parallel lines for two weeks. Next we jump to quadratic equations followed by data analysis. This leap frogging from topic to topic is not conducive to creating those connections that are so important in mathematics. The prior sequence of algebra, geometry, algebra II allows for those connections to

be made and common threads to be pulled through the courses. It is disjoint topics taught in the same course that really have little to do with one another. Setting up an equation as a result of angles associated with parallel lines is in no way connected to the probability that a heart will be drawn out of a deck of cards. The concepts are not related. They do induce integration of skills previously learned. Integration of skills occurs with the prior sequence of algebra, geometry, algebra II. Algebra I was primarily a skills building course. Geometry extended algebra I – students had to apply what they knew in a new context - and advanced deductive reasoning. Common core has basically gutted traditional geometry. It is taught from a transformational perspective rather than from a perspective of deductive reasoning. The word proof appears in common core, but it applies to algebraic justification and excludes mountains of traditional proof. Algebra II required students to integrate skills and knowledge– to solve difficult equations and problems that require geometry, do extend proof to support formulas, to discover patterns, and to draw conclusions regarding equation theory.

- A common argument for common core and integrated math centers around the 21st century and international competition. WE are the leaders – We have led the world through the 20th century; many people from other countries want their children to be educated here. Offering Minnesota as an example of clearly stated standards, we were criticized because the demographics of Minnesota and NC are not the same. I contend that our students come closer to matching the demographics of students in Minnesota than they do in matching the demographics of students in Portugal. The claim that the rest of the world is teaching integrated mathematics and out-scoring the US simply isn't true. It is true that Finland outscores us, but Portugal doesn't. So integrated math, common core, isn't a magic pill. There are many factors affecting numerical scores on standardized test. There is no evidence that a uniform national system of common core math produces a more educated citizenry.
- Common core prepares students for careers and for college is a point we frequently hear. Colleges or for selective colleges." Integrated math has never been validated; there is no evidence to support it. Even the authors of common core admit to its not being college ready curriculum. Jason

Zimba states that common core is "NOT for STEM colleges or for more selective colleges. He describes it as a "minimally college ready." Is that what we want? Kentucky has used integrated math the longest. ACT results reveal that only 21% of their students (private, home, public) are college ready; only 5% of black students. Kentucky professor Steve Newman states, "This assumption that cc is more rigorous is clearly false. Indeed, it is difficult to see how the standards and expectations could be lower." Scores in NC are dropping, and the achievement gap is widening according to Supt. June Atkinson. A recent report revealed that only ¼ of our students are college ready in math – the NAEP report revealed a decline in scores this year. These are students who have had a full high school complement of common core. Our own state scores declined while the achievement gap widened. One of the nice consequences of working on this project has been meeting other people. Lee Ann Spahr who taught more than 30 years at Durham Tech and NC State and has served on many committees evaluating school curriculum and integrated math, and worked with NAEP reminded me that Durham tried integrated math a while back. They implemented integrated math for approximately 10 years. They ended up eliminating it due to the numerous complaints they received from colleges that students were not prepared and required remediation. I have Lee Ann's permission to quote her. Both Lee Ann and I as well as a UNC professor who served on the work group support these observations – integrated math does not prepare students for college. Why are we repeating this failed experiment?

- Chambers of Commerce have endorsed common core because they have bought into the spin. A member of our committee spoke with the employee at SAS who was responsible for their endorsement. She admitted that she had never read one word of common core. Interestingly, Cary Academy, the SAS school, doesn't use common core.
- My final point is a question – I am reading that common core visionaries want to create a national data base for all students so that studies can be done. It is against federal law for a database to be established, but the Dept. of Education has found a way around this privacy law by rewriting a law to allow for student's information to be shared in a database called inBloom. Private information such as names, addresses, social-security

numbers, allergies, gender, family income, test scores, academic records, behavioral reports, medical records, etc. are included. Common core states had to agree to participate. NC was one of 9 states agreeing to share data into the national data base. I do not have children in the public schools so I asked a few friends who are public school teachers and have children in public schools if they knew about this. Not one of them believed they had ever been informed of this outreach. I ask you to check into this more deeply. Do we really want our children to be part of this national database? Shouldn't parents know it?

In closing, I would like to quote Eleanor Roosevelt in a speech she gave in April of 1930 titled "Good Citizenship: The Purpose of Education."

"Learning to be a good citizen is learning to live to the maximum of one's abilities and opportunities, and every subject should be taught every child with this in view.

But, there still remains a vast amount to be done before we accomplish our first objective – informed and intelligent citizens, and, secondly, bring about the realization that we are all responsible for the trend of thought and the action of our times.

Whether we send our children to private school or public school we should take a constant interest in all educational institutions and remember that on the public school largely depends the success or the failure of our great experiment in government "by the people, for the people."

Julie Schilawski

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-8-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Catrina Parker	NCVPS
Liz Colbert	NCVPS
Caroline McCullen	SAS
Sonia Dupree	WCPSS
Kim Arwood	parent/WCPSS Math teacher
Sarah Berenson	UNC-G, Guilford C.S. grandparent
Catherine Truitt	Office of Governor
Shelby Armentrout	Office of Governor
Kathy Barnes	NCVPS
Brian Stephens	NCVPS
Leanne Winner	NCSBA
Amy Fulk	30 PR
Julie Kowal	BEST NC
Bob Luebke	Civitas
Robert Eskaliski	DIAD
Aaron Oxendine	DHCS
Rebecca Eskalis	CFSA

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-8-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eryn Howington	NCGA intern
Blake Brewer	Lt. Governor's Office (Intern)
Anthony Palumbo	Lt Governor's Office (Intern)
WALTON, JOHNNIE	City Council Elizabeth City, NC.
Angel Sams	WCSR
Laura DeVivo	WCSR
Tyler Walters	DPI (Intern)
Wes Tripp	DPI (Intern)
Brent Ducharme	UNC Center for Civil Rights
Stephanie Ramdat	UNC Youth Justice Clinic/ CCR
Mariam Turner	unc center for Civil Rights
Anna Deen	UNC Center for Civil Rights
Reighlah Collins	UNC Center for Civil Rights
Jennifer Marsh	UNC School of Law
MARK DOROSIN	center for Civil Rights
Abigail Sargeant	Public School Forum
Heather Curry	Public School Forum of NC

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-8-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lauren Bock	Public School Forum of NC
Christina Hoy	Dignify Teachers
Joel Maynard	GPI; ASSOC
Bruce Mildwurf	NCSBA
Adam Priderman	NCASA
Julia Kolb	Meredith College
Wendy Kelly	Truss-Carolina
Ashley Perkinson	Perkinson for
Susan Harrison	NCSSWA
Ron Preston	ECU & NCCTM
Andrew Mechur	Hi... Standards
Martha Babcock	NCC
Mary Beth Lewis	NCE
Tammy Pearson	NCVPS
Tonya Easterwood	NC VPS
Mia Murphy	NC VPS
Andrea Pacyna	Parent

Starnes	OST
Brian Miller	Staff
ROBERT N. STRICKLAND JR	STAFF SEN. TARTE.
John Hoitt	speaker Staff

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-8-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Martez Hill	NC SBE
Ben Curtis	NC DPI
Sherry Thomas	NC DPI
Michelle Stephan	UNC Charlotte
Julie Schilanski	educator
Kelly Dakram	UNC-CH
Rickey E King	Elizabeth City councilman
Arianna Allen	NC SBE
Bailey Franklin	NC DPI
Summer Nayar	NC DPI
Alisa Chapman	UNC
Kitty Rutherford	NC DPI
Denise Schulz	NC DPI
Lisa Ashe	NC DPI
MEGAN MARTIN	UNC GREENSBORO
Arren Duggan	unc Greensboro
Hope & Karen Harrington	Garner, NC

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-8-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Timothy N. Hensley	Meredith College, Raleigh, NC
Martin Malaney	UNC Center for Civil Rights
Ruan Menwald	UNC
Chris Broughton	MVC
Katy Kingsbury	BP
Robb Jansen	State Bd. of Ed.
Nathaniel Brown	DST
Rachel Bealine	NCDPI
Solrei	DST
Tom Most	NCICU
Jim Ayn	Ed Consultant
Kendy E Bartlett	HS Math Teacher
Julie Riggins	WSFCS Math Teacher 2500 W. Mountain St. Kernersville, NC 27284
Jaime King Fuquay	NCEL
Pat Archibald	NCEL
Bre Hager	NCEL
Rebecca Garland	DPI

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-8-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lee Temple	NCPCSA
Tiffany Perkins	NCDPI
Zan Stilwell	TSG

09-21-201

Senate Committee on Education/Higher Education
June 22, 2016, 11:00 a.m.
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HB 1035	LGC/Training for Local Government Finance Officers	Representative McNeill Representative L. Johnson Representative Iler

Adjournment

Senate Committee on Education/Higher Education
Wednesday, June 22, 2016 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on June 22, 2016 in Room 544 of the Legislative Office Building. 14 members were present.

Senator Chad Barefoot, Chair, presided.

Senator Barefoot opened the meeting by thanking the Sergeants at Arms and recognizing the Senate Pages.

HB 1035 LGC/Training for Local Gov't Finance Officers. (Representatives McNeill, L. Johnson, Iler)
Representative McNeil presented House Bill 1035.

Members of the committee were given the opportunity to ask questions of the bill sponsor.

Mr. Anthony Solari, Director of Government Relations for the North Carolina Department of State Treasurer, was recognized to answer questions from members of the committee.

Senator Woodard moved to approve the bill with a favorable report and a recommendation that bill be re-referred to the Senate Finance Committee. The motion was approved.

The meeting adjourned at 11:22 AM.

Senator Chad Barefoot, Chair
Presiding

Eric Naisbitt, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Wednesday, June 22, 2016

Senator Barefoot,
submits the following with recommendations as to passage:

FAVORABLE

HB **1035 (CS#1)** LGC/Training for Local Gov't Finance Officers.

Draft Number:	None
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle HB 1035

HOUSE BILL 1035
Committee Substitute Favorable 6/2/16

Short Title: LGC/Training for Local Gov't Finance Officers. (Public)

Sponsors:

Referred to:

May 5, 2016

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE LOCAL GOVERNMENT COMMISSION TO REQUIRE BASIC FINANCIAL TRAINING FOR FINANCE OFFICERS OF CERTAIN LOCAL GOVERNMENTS AND PUBLIC AUTHORITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-25 reads as rewritten:

"**§ 159-25. Duties of finance officer; dual signatures on checks; internal control procedures subject to Commission regulation.**

(a) The finance officer shall have the following powers and duties:

(1) ~~He shall keep~~Keep the accounts of the local government or public authority in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Commission.

(2) ~~He shall disburse~~Disburse all funds of the local government or public authority in strict compliance with this Chapter, the budget ordinance, and each project ordinance and shall preaudit obligations and disbursements as required by this Chapter.

(3) ~~As often as may be requested by the governing board or the manager, he shall prepare~~ Prepare and file with the board a statement of the financial condition of the local government or public ~~authority.~~authority, as often as may be requested by the governing board or the manager.

(4) ~~He shall receive~~ Receive and deposit all moneys accruing to the local government or public authority, or supervise the receipt and deposit of money by other duly authorized officers or employees.

(5) ~~He shall maintain~~Maintain all records concerning the bonded debt and other obligations of the local government or public authority, determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all sinking funds.

(6) ~~He shall supervise~~Supervise the investment of idle funds of the local government or public authority.

(7) ~~He shall perform~~Perform such other duties as may be assigned ~~to him~~ by law, by the manager, budget officer, or governing board, or by rules and regulations of the Commission.

(8) Attend any training required by the Local Government Commission under this section.

All references in other portions of the General Statutes, local acts, or city charters to county, city, special district, or public authority accountants, treasurers, or other officials performing any of the

duties conferred by this section on the finance officer shall be deemed to refer to the finance officer.

(b) Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the finance officer or a properly designated deputy finance officer and countersigned by another official of the local government or public authority designated for this purpose by the governing board. If the board makes no other designation, the chairman of the board or chief executive officer of the local government or public authority shall countersign these checks and drafts. The governing board of a unit or authority may waive the requirements of this subsection if the board determines that the internal control procedures of the unit or authority will be satisfactory in the absence of dual signatures.

(c) The Local Government Commission has authority to issue rules and regulations having the force of law governing procedures for the receipt, deposit, investment, transfer, and disbursement of money and other assets by units of local government and public authorities, may inquire into and investigate the internal control procedures of a local government or public authority, and may require any modifications in internal control procedures which, in the opinion of the Commission, are necessary or desirable to prevent embezzlements or mishandling of public moneys.

(d) The Local Government Commission has the authority to require any finance officer or any other employee who performs the duties of a finance officer to participate in training related to the powers, duties, and responsibilities of the finance officer, if the Commission is exercising its authority under Article 10 of this Chapter with respect to the employing local government or public authority or the employing local government or public authority has received a unit letter from the Commission due to a deficiency in complying with this Chapter. The Commission may collaborate with the School of Government at the University of North Carolina, the North Carolina Community College System, and other educational institutions in the State to develop and deliver the training required by this subsection."

SECTION 2. G.S. 159-6 is amended by adding a new subsection to read:

"(f) The Commission may charge and collect fees for expenses incurred in developing and delivering the training for finance officers and other employees who perform the duties of a finance officer under G.S. 159-25."

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

HOUSE BILL 1035:
LGC/Training for Local Gov't Finance Officers.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	June 22, 2016
Introduced by:	Reps. McNeill, L. Johnson, Iler	**Prepared by:**	Drupti Chauhan*
Analysis of:	Second Edition		Committee Co-Counsel

SUMMARY: ***House Bill 1035 would authorize the Local Government Commission to require certain local government and public authority finance officers, and other employees who perform the duties of a finance officer, to attend training as to the powers, duties and responsibilities of a finance officer, and charge a fee for the training.***

CURRENT LAW: The Local Government Commission (LGC) is located within the State Treasurer's Office, and provides assistance to local governments and public authorities in North Carolina. Generally, the LGC focuses on three components of operations of the local governments and public authorities:

1. Whether a local government or public authority is financially healthy enough to borrow money.
2. Selling debt on behalf of the local government or public authority.
3. Oversight of the annual audit/financial reporting required of local governments and public authorities.

Each local government and public authority is required to appoint a finance officer to hold office at the pleasure of the appointing board or official. That finance officer may be titled "accountant," "treasurer," "finance director," "finance officer," or any other reasonably descriptive title. The duties of the finance officer may be imposed on the budget officer, or any other officer or employee on whom the duties of budget officer may be imposed. G.S. 159-24.

BILL ANALYSIS: The bill would do all of the following:

- Authorize the LGC to require a finance officer, or other employee performing the duties of a finance officer, of a local government or public authority to attend training as to the powers, duties and responsibilities of a finance officer if either of the following apply to the local government or public authority:
  - The LGC has issued a unit letter due to a deficiency in that local government or public authority's compliance with Chapter 159 of the General Statutes, Local Government Finance.
  - The LGC is exercising its authority to assist defaulting units in refinancing and paying debts.
- Allow the LGC to collaborate with the School of Government, the North Carolina Community College System and other educational institutions in the State to develop and deliver the training.
- Authorize the LGC to charge and collect fees for expenses incurred in developing and delivering the training of finance officers.
- Make technical changes to the statute to remove gender references.

EFFECTIVE DATE: Effective when it becomes law.

**Erika Churchill, Attorney, Legislative Analysis Division, significantly contributed to this summary.*

Karen Cochrane-Brown
Director

H1035-SMRQ-100 E2 -V-2

Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-22-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robb Jansen	State Board of Ed.
SOLARI	DST
Brian Uhldwurf	NCSTA
Pridemore	NCASA
Matt Ellinwood	NC JC
SUSAN HARRISON	NCSSWA
Leanne Winner	NCSBA
Carly Weaver	Office of the Governor
Donnelate	UNC DE
Sarah Wellish	DST
Nathanael Brown	DST
Wes Tripp	State Bd of Education
Stephenie Jackson	State Bd of Ed
Tyler Walters	State Bd. of Ed
Jeel Magnal	GPM ASSOC
Jonathan Bluthaker	Blu Baker + Assoc

09-21-201

VISITOR REGISTRATION SHEET

Ed/Higher Ed

(Committee Name)

6-22-16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kerri Burke	MWC
Bo Heath	MWC
	MWC
Tom West	NCICU
Mary Shuping	NCCCS
Breeden Blackwell	NCCS
Margaret Dike	OSHR
Phoebe Landon	MWC
Henry Jones	Jordan Price
Betsy Bailey	CAGC
Jingjing Gao	NCACC
Johanna Reese	NCACC
Kelly Dockham	UNC - Chapel Hill
TROY GOODSBY	UNC Board of Governors

Senate Committee on Education/Higher Education
June 24, 2016, 11:00 a.m.
544 Legislative Office Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
SB 554	School Building Leasing Reform	Senator Meredith Senator Curtis Senator Tillman
HB 1080	Achievement School District	Representative Bryan Representative Brockman Representative Bradford

Adjournment

Senate Committee on Education/Higher Education
Friday, June 24, 2016 at 11:00 AM
Room 544 of the Legislative Office Building

MINUTES

The Senate Committee on Education/Higher Education met at 11:00 AM on June 24, 2016 in Room 544 of the Legislative Office Building. 20 members were present.

Senator Jerry W. Tillman, Chair, presided.

Chairman Tillman called the meeting to order and recognized the pages and sergeants-at-arms.

Senator Meredith was recognized to explain the adopted proposed committee substitute for **SB 554 School Building Leases.** Following questions from the committee members, Drupti Chauhan and Erika Churchill, Legislative Analysis Division, were recognized to explain further the provisions outlined in bill. Sen. Krawiec was recognized and offered an amendment to amend the bill on page 1, line 4 and on page 6, lines 46-47. A motion to adopt the amendment was made and the motion passed. A motion by Senator Wade for a favorable report to the proposed committee substitute as amended, rolled into a new proposed committee substitute, with a favorable report to the new committee substitute and an unfavorable report to the original bill was made and the motion passed. SB 554 received a serial referral to Finance.

Senator Barefoot was recognized to explain the adopted proposed committee substitute for **HB 1080 Achievement School District.** Chairman Tillman recognized Kara McCraw, Legislative Analysis Division, to further explain the bill. Following questions from the committee members, Chairman Tillman extended an offer for public comment.

Marcus Brandon, Executive Director, Carolina Can, spoke in favor of HB 1080.
Leanne Winner, Director of Governmental Relations, North Carolina School Boards Association, spoke in opposition of HB 1080.

Senator Apodaca was recognized and moved for a favorable report to the proposed committee substitute and an unfavorable report to the original bill and the motion passed.

With no further business, Chairman Tillman adjourned the meeting.

The meeting adjourned at 11:58.

Senator Jerry W. Tillman, Chair
Presiding

Suzanne Castleberry, Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Friday, June 24, 2016

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO BILL, BUT FAVORABLE AS TO COMMITTEE SUBSTITUTE BILL

SB **554** School Building Leasing Reform.

Draft Number:	S554-PCS35375-RQ-33
Sequential Referral:	Finance
Recommended Referral:	None
Long Title Amended:	Yes

TOTAL REPORTED: 1

Senator Wesley Meredith will handle SB 554

NORTH CAROLINA GENERAL ASSEMBLY
SENATE

EDUCATION/HIGHER EDUCATION COMMITTEE REPORT
Senator Barefoot, Co-Chair
Senator Tillman, Co-Chair

Friday, June 24, 2016

Senator Tillman,
submits the following with recommendations as to passage:

UNFAVORABLE AS TO COMMITTEE SUBSTITUTE BILL NO. 1, BUT FAVORABLE AS TO SENATE COMMITTEE SUBSTITUTE BILL

HB **1080 (CS#1)** Achievement School District.

Draft Number:	H1080-PCS10569-TC-84
Sequential Referral:	None
Recommended Referral:	None
Long Title Amended:	No

TOTAL REPORTED: 1

Senator Chad Barefoot will handle HB 1080

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S D

SENATE BILL 554
PROPOSED COMMITTEE SUBSTITUTE S554-CSRQ-33 [v.7]
06/23/2016 09:08:18 PM

Short Title: School Building Leases. (Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION TO ENTER INTO LEASES FOR SCHOOL BUILDINGS AND SCHOOL FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-530 reads as rewritten:

"**§ 115C-530. ~~Operational~~ Operating leases of school buildings and school facilities.**

(a) Local boards of education may enter into ~~operational~~ operating leases of real or personal property for use as school buildings or school facilities. ~~Operational~~ Operating leases for terms of less than three years shall not be subject to the approval of the board of county commissioners. ~~Operational~~ Operating leases for terms of three years or longer, including periods that may be added to the original term through the exercise of options to renew or extend, are permitted if all of the following conditions are met:

(1) The budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation.

(2) An unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the lease for the current fiscal year.

(3) The leases are approved by a resolution adopted by the board of county commissioners. If an ~~operational~~ operating lease is approved by the board of county commissioners, in each year the county commissioners shall appropriate sufficient funds to meet the amounts to be paid during the fiscal year under the lease.

(4) Any construction, repair, or renovation of the property is in compliance with the requirements of G.S. 115C-521(c) relating to energy ~~guidelines.~~guidelines and G.S. 115C-521(c1) relating to science laboratory areas.

For purposes of this section, an ~~operational~~ operating lease is defined according to generally accepted accounting principles and may be for new or existing buildings.

(b) Local boards of education may enter into contracts for the construction, repair, or renovation of leased property if (i) the budget resolution includes an appropriation authorizing the obligation, (ii) an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year, and (iii) the construction, repair, or renovation is in compliance with the requirements of G.S. 115C-521(c) relating to energy ~~guidelines.~~and G.S. 115C-521(c1) relating to science laboratory areas. Construction, repair, or renovation work undertaken or contracted by a private developer is subject to the requirements of Article 8 of Chapter 143 of the General Statutes. Contracts for new construction and renovation that are subject to the bidding requirements of G.S. 143-129(a) and

which do not constitute continuing contracts for capital outlay must be approved by the board of county commissioners.

(c) ~~Operational~~ Operating leases and contracts entered into under this section are subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3). For purposes of determining whether the standards set out in G.S. 159-148(a)(3) have been met, only the five hundred thousand dollar ($500,000) threshold shall apply."

SECTION 2. Article 37 of Chapter 115C is amended by adding new sections to read:

"**§ 115C-531.1 Capital leases of school buildings and school facilities.**

(a) Definitions. – The following definitions apply in this section:

(1) Capital lease. – A capital lease as defined by generally accepted accounting principles, regardless of how the parties describe the agreement.

(2) Private developer. – The entity with which the school board enters into a capital lease or build-to-suit lease under the provisions of this section.

(b) Authorization. – Local boards of education may enter into capital leases of real or personal property for use as school buildings or school facilities. The capital lease may relate to an existing building or a new school building to be constructed. The term of any capital lease, including any renewal periods, shall not exceed 40 years from the expected date that the local board of education will take occupancy of the property that is the subject of a capital lease. Subsections (c) and (d) of G.S. 115C-521 do not apply to a capital lease entered into under this section.

(c) Construction, Repairs, and Renovation. – The provisions of G.S. 115C-530(b) apply to a capital lease under this section. A capital lease entered into under this section may provide that the private developer is responsible for providing, or contracting for, construction, repair, or renovation work. Construction, repair, or renovation work undertaken or contracted by a private developer is not subject to the requirements of Article 8 of Chapter 143 of the General Statutes. Construction, repair, or renovation work undertaken or contracted by the private developer involving the estimated expenditure of three hundred thousand dollars ($300,000) or more is subject to the provisions of G.S. 115C-532.1 related to build-to-suit capital leases.

(d) Nonsubstitution Clause. – A capital lease shall not contain a nonsubstitution clause that restricts the right of a local board to continue to provide a service or activity or to replace or provide a substitute for any property financed or purchased by the capital lease.

(e) No Deficiency Judgment; No Pledge of Taxing Power. – No deficiency judgment may be rendered against any local board of education or any unit of local government, as defined in G.S. 160A-20(h), in any action for breach of a contractual obligation authorized by this section, and the taxing power of a unit is not and may not be pledged directly or indirectly to secure any moneys due under a contract authorized by this section. A capital lease shall state that it does not constitute a pledge of the taxing power or full faith and credit of the local board of education or board of county commissioners.

(f) Budgetary Accounting. – A capital lease entered into under this section shall be considered a continuing contract for capital outlay and is subject to G.S. 115C-441(c1); provided, however, notwithstanding any provision of G.S. 115C-441(c1) or G.S. 115C-426, in each fiscal year the appropriation of funds by the county for the payment of amounts due under the capital lease shall be at the discretion of the board of county commissioners.

(g) Local Government Commission Approval. – Capital leases entered into under this section are subject to approval by the Local Government Commission under Article 8 of Chapter 159 of the General Statutes if they meet the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3). For purposes of determining whether the standards set out in G.S. 159-148(a)(3) have been met, only the five-hundred-thousand-dollar ($500,000) threshold applies.

(h) No Agreements on Student Assignment. – A capital lease may not contain any provision with respect to the assignment of specific students or students from a specific area to any specific school.

(i) Lien Laws Not Affected. – All laws relating to liens on private property apply to private property interests in a capital lease project undertaken under this section."

(j) Public-Private Partnership Construction Contract Law Not Applicable. – The provisions of G.S. 143-128.1C shall not apply to this section."

"**§ 115C-532.1 Additional provisions applicable to build-to-suit capital leases.**

(a) Definitions. – The definitions of G.S. 115C-531.1 apply in this section. In addition, for the purposes of this section, the following definitions apply:

(1) Build-to-suit capital lease. – A capital lease that provides for the construction of new facilities or the renovation of existing facilities by the private developer, the cost of which is estimated to be greater than three hundred thousand dollars ($300,000).

(2) Prime contractor. – A contractor who contracts directly with the private developer or the private developer's construction manager at risk, if any, for construction, repair, or renovation work under this section.

(b) Applicability of Provisions of G.S. 115C-531.1. – All of the provisions of G.S. 115C-531.1 apply in this section.

(c) Contract Provisions. – A build-to-suit capital lease may include contractual provisions by the private developer regarding the provision of products, services, and guaranties related to a facility that is the subject of a capital lease. A local board of education may also enter into a separate agreement or series of related agreements regarding the provision of products, services, and guaranties related to a facility that is the subject of a capital lease; provided all agreements are approved by the board of county commissioners in connection with the approval of the build-to-suit capital lease.

(d) Approval by Local Board of Education. – Before entering into a build-to-suit capital lease pursuant to this section, the local board of education shall adopt a resolution as provided in this subsection. Before adopting the resolution required by this subsection, the local board of education shall publish a notice of its intent to enter into a build-to-suit capital lease at least 10 days in advance of the date of the meeting at which the action is contemplated and in a newspaper having general circulation within the geographic area served by the local board of education. The notice shall include, at a minimum, the date, time, and place of the meeting, a description in brief and general terms of the subject of the lease, the name of the other party to the lease, and an indication of the board's intent to take action to authorize the lease at the indicated meeting. The resolution shall provide the following:

(1) That entering into the build-to-suit capital lease for one or more specified buildings or facilities is in the unit's best interests under all the circumstances. In making this evaluation, the local board of education may consider the time, cost, and quality of design, engineering, and construction, including the time required to begin and the time required to complete a particular activity; occupancy costs, including lease payments, life-cycle maintenance, repair, and energy costs; and any other factors the board deems relevant.

(2) That the private developer is qualified to provide, either alone or in conjunction with other identified and associated persons, the products and services called for under the proposed capital lease and any related agreements. The local board of education shall make this determination taking into account any factors the local board deems relevant, including the knowledge, skill, and reputation of the provider and its associated persons, the goals and plans of providers for utilization of minority business enterprises, and the costs to be incurred by the local board of education.

(e) Submission to Board of County Commissioners. – The board shall submit the resolution to the board of county commissioners as provided in this subsection. The board of education shall forward its resolution to the board of county commissioners, together with any supporting documentation relied on by the board of education in making the findings in the resolution as the board of county commissioners may request. The board of county commissioners shall review the resolution and supporting documentation and no later than 45 days after receiving the resolution and the supporting documentation requested either affirm or reject the resolution of the board of education. If the board of county commissioners rejects the resolution, the board of education shall not enter into the lease.

(f) Additional Requirements Regarding Design Services. – All architectural, engineering, and survey services shall be procured in accordance with the provisions of Article 3D of Chapter 143 of the General Statutes. Required design and engineering services shall be performed by an engineer or a licensed architect to the extent permitted under G.S. 83A-13(b). Specifications for any new school building shall be consistent with the requirements of G.S. 143-128(a). All applicable requirements for the review or approval of design and specifications for school buildings by the Department of Public Instruction and the Department of Insurance apply to school buildings constructed, repaired, or renovated under a capital lease authorized under this section.

(g) Additional Requirements Regarding Construction Services. – A private developer is required to seek competition and minority business participation in connection with all construction work under this section in accordance with the following provisions:

(1) A private developer shall either (i) solicit bids from prime contractors for all construction work under this section or (ii) select a construction manager at risk through a qualification based process in which case the selected construction manager at risk shall solicit bids from all of its prime contractors for all construction work under this section.

(2) The private developer or its construction manager at risk may prequalify contractors. The prequalification criteria, if any, shall be determined by the local board of education and the private developer to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the private developer and the local board of education.

(3) A private developer and its construction manager at risk, if any, shall comply with the requirements applicable to a public entity pursuant to G.S. 143-128.2, and prime contractors shall comply with the provisions of G.S. 143-128.2 applicable to contractors, except the private developer and its construction manager shall adopt the local board of education's minority participation goal. The local board of education shall require the private developer to submit its plan for compliance with G.S. 143-128.2 for approval by the local board of education prior to the private developer soliciting bids under this subsection.

(4) A private developer or its construction manager at risk shall publicly advertise at least 30 days in advance of the bid date in a newspaper having general circulation within the geographic areas served by the local board of education, shall open bids publicly, and shall award each contract to the lowest responsible, responsive, and prequalified bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and any other factors deemed appropriate by the private developer and the local board of education and included in the bid solicitation. A private developer or its construction manager at risk shall enter into the

construction contracts directly with the successful bidder. After the award of a contract or contracts, the private developer or its construction manager at risk and any contractor may negotiate and reach agreement with the successful bidder on modifications to all aspects of the contract, including the time for performance, the scope of the work, and the price to be paid.

(5) The local board of education, in its discretion, may require the private developer to provide a performance and payment bond for construction work in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes and may require the private developer to provide a bond or other appropriate guarantee to cover any other guarantees, products, or services to be provided by the private developer.

(h) Predevelopment Agreements with Private Developer Authorized. – Local boards of education may enter into predevelopment agreements with a private developer in advance of entering into a build-to-suit capital lease. Predevelopment agreements with private developers shall be approved by the board of county commissioners. Predevelopment agreements may include provisions for each of the following:

(1) Site selection, land acquisition, and site preparation, including such services as wetlands delineation, archaeological review, and State and local government land-use permitting.

(2) Building programming and design, including both architectural and engineering services pursuant to subsection (d) of this section.

(i) Real Estate Transfer Authorized. – Notwithstanding any contrary provisions of law, a city, county, or local board of education may, pursuant to the procedures in G.S. 160A-267, sell, lease, or otherwise transfer real or personal property to any private developer for construction, repair, or renovation of a school facility under a build-to-suit capital lease entered into pursuant to this section. The conveying unit may subject the property to any covenants, conditions, or restrictions as the unit deems to be necessary to carry out the purposes of this section. The disposition of property pursuant to this subsection is not subject to the requirements of G.S. 115C-518. No transfer by a local board of education under this subsection shall occur unless it is approved by the board of county commissioners.

(j) Additional Permitted Lease Terms. – In recognition of the potential economic and technical utility of build-to-suit capital leases, which include in their scope combinations of design, construction, operation, management, and maintenance responsibilities over prolonged periods of time, and the potential desirability of a single point of responsibility for these matters in connection with build-to-suit capital leases, any build-to-suit capital lease may include provisions imposing responsibility on the private developer or any identified affiliated entity for any of the following matters:

(1) Site selection, land acquisition, and site preparation, including wetlands delineation, archaeological review, and State and local government land-use permitting.

(2) Facility programming, planning, and design, including both architectural and engineering services.

(3) Qualification and prequalification of contractors and subcontractors.

(4) Construction and construction management.

(5) Financing.

(6) Facility maintenance and repairs.

(7) Energy usage guarantees.

(8) Transfer of ownership of the leased property to a local government entity at the end of the lease term.

(9) Any other guaranties, products, and services as the local board of education may determine.

(k) Letter of Credit. – A private developer shall provide an irrevocable letter of credit for the benefit of laborers and materialmen in an amount not less than five percent (5%) of the total cost of the improvements which are the subject of the build-to-suit capital lease and shall maintain the letter of credit throughout the construction of the project and for the succeeding six-month period.

(l) Public-Private Partnership Construction Contract Law Not Applicable. – The provisions of G.S. 143-128.1C shall not apply to this section."

SECTION 3. G.S. 143-129(e) is amended by adding a new subdivision to read:

"(e) Exceptions. – The requirements of this Article do not apply to:

...

(13) Build-to-suit capital leases with a private developer under G.S. 115C-532.1."

SECTION 4. G.S. 115C-426(f) reads as rewritten:

"(f) The capital outlay fund shall include appropriations for:

(1) The acquisition of real property for school purposes, including but not limited to school sites, playgrounds, athletic fields, administrative headquarters, and garages.

(2) The acquisition, construction, reconstruction, enlargement, renovation, or replacement of buildings and other structures, including but not limited to buildings for classrooms and laboratories, physical and vocational educational purposes, libraries, auditoriums, gymnasiums, administrative offices, storage, and vehicle maintenance.

(3) The acquisition or replacement of furniture and furnishings, instructional apparatus, data-processing equipment, business machines, and similar items of furnishings and equipment.

(4) The acquisition of school buses as additions to the fleet.

(5) The acquisition of activity buses and other motor vehicles.

(5a) Lease payments for leases entered into under G.S. 115C-530, G.S. 115C-531.1, or G.S. 115C-532.1.

(6) Such other objects of expenditure as may be assigned to the capital outlay fund by the uniform budget format.

The cost of acquiring or constructing a new building, or reconstructing, enlarging, or renovating an existing building, shall include the cost of all real property and interests in real property, and all plants, works, appurtenances, structures, facilities, furnishings, machinery, and equipment necessary or useful in connection therewith; financing charges; the cost of plans, specifications, studies, reports, and surveys; legal expenses; and all other costs necessary or incidental to the construction, reconstruction, enlargement, or renovation.

No contract for the purchase of a site shall be executed nor any funds expended therefor without the approval of the board of county commissioners as to the amount to be spent for the site; and in case of a disagreement between a board of education and a board of county commissioners as to the amount to be spent for the site, the procedure provided in G.S. 115C-431 shall, insofar as the same may be applicable, be used to settle the disagreement.

Appropriations in the capital outlay fund shall be funded by revenues made available for capital outlay purposes by the State Board of Education and the board of county commissioners, supplemental taxes levied by or on behalf of the local school administrative unit pursuant to a local act or G.S. 115C-501 to 115C-511, the proceeds of the sale of capital assets, the proceeds of claims against fire and casualty insurance policies, and other sources."

SECTION 5. This act becomes effective July 1, 2016 and applies to contracts entered into on or after that date.

SENATE BILL 554:
School Building Leases.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education. If favorable, re-refer to Finance	**Date:**	June 24, 2016
Introduced by:	Sens. Meredith, Curtis, Tillman	**Prepared by:**	Drupti Chauhan and Kara McCraw Committee Co-Counsel
Analysis of:	PCS to First Edition S554-CSRQ-33		

SUMMARY: The Proposed Committee Substitute for Senate Bill 554 would provide additional flexibility to local boards of education to enter into leases for school buildings and facilities.

CURRENT LAW: Local boards of education can enter into leases of real or personal property for use as school buildings or school facilities. Leases that are for terms of less than 3 years are not subject to the approval of the board of county commissioners. Leases for terms of 3 years or longer are allowed if the following are met: (i) the budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation; (ii) an unencumbered balance remains in the appropriation that can pay in the current fiscal year the money obligated by the lease for that year; (iii) the leases are approved by the board of county commissioners; and (iv) any construction, repair, or renovation of the property is in compliance with energy guidelines.

Local boards of education can enter into contracts for the construction, repair, or renovation of leased property if the budget resolution includes money authorizing the obligation; an unencumbered balance remains in the appropriation that can pay in the current fiscal year the money obligated for that year; and the construction, repair, or renovation is in compliance with energy guidelines.

BILL ANALYSIS:

Section 1 of the PCS changes the term "operational" leases to "operating" leases and provides that construction, repairs, or renovations would also have to be in compliance with guidelines related to science laboratory areas.

Section 2 of the PCS re-enacts the laws that expired July 1, 2015 that allowed local boards of education to enter into capital leases and build-to-suit capital leases with private developers.

Capital Leases

Capital leases are leases that are considered to have the economic characteristics of ownership such as legal title to the property is transferred to the lessee, and lease term are equal or exceeds 75% of the asset's useful life.

Local boards of education could enter into capital leases which may also contain agreements related to construction, repairs, or renovations. The local board of education would not have to own the property on which the building is built and the lease may provide that the private developer is responsible for repairs and renovations.

Construction, repair, or renovation work would not be subject to Article 8 of Chapter 143, which sets forth the various requirements for letting public contracts.

Karen Cochrane-Brown
Director

S554-SMRQ-101 CSRQ-33 -V-2

Legislative Analysis Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Limitations would be placed on capital leases including (i) the prohibition of non-substitution clauses restricting the rights of the local board to continue to provide a service or activity or to replace or provide a substitute for any property financed or purchased by a capital lease and (ii) the required inclusion of a clause that states that the lease does not constitute a pledge of the taxing power or full faith and credit of the local board of education or board of county commissioners-- no deficiency judgment can be rendered against a local board of education or other local government unit under the lease.

A capital lease is subject to approval by the Local Government Commission (LGC) to the extent that the lease satisfies one or more of the conditions relating to financing agreements requiring approval by the LGC. These conditions are (i) the agreement extends for at least 5 years, (ii) the agreement obligates the unit to pay sums of money to another, regardless of whether the other is a payee, or (iii) the agreement obligates the unit to payments of over $500,000.

A capital lease cannot contain any agreement with respect to student assignment.

Build-to-Suit Capital Leases

Build-to-suit capital leases are capital leases that provide for the construction of new facilities or renovations of existing facilities by the private developer that are estimated to exceed $300,000. The provisions of capital leases apply to build-to-suit capital leases, as well as the additional following provisions: (i) the local board of education must adopt a resolution to approve the lease and give 10 days notice of the meeting at which the resolution will be adopted and include certain findings; (ii) the resolution must be submitted to the county commissioners who must affirm or reject the resolution; (iii) design services must be done by qualified individuals and in compliance with requirements related to construction of school facilities; and (iv) the private developer must seek competition and minority business participation as well as meet other requirements for bids and prime contractors.

In addition, local boards of education may enter into predevelopment agreements before entering into build-to-suit capital leases, but these must be approved by the county commissioners. Real property can be sold, leased, or transferred to a private developer for build-to-suit capital leases, but any transfers by a local board of education must be approved by the board of county commissioners.

Section 3 of the PCS makes a conforming change.

Section 4 of the PCS provides that the local capital outlay fund must include appropriations for lease payments for operating leases, capital leases, and build-to-suit capital leases.

EFFECTIVE DATE: The bill would become effective July 1, 2016 and applies to contracts entered into on or after that date.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 554

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

S554-ATC-181 [v.3]

Amends Title [YES]
S554-CSRQ-33[v.7]

Date _____,2016

Senator _____

moves to amend the bill on page 1, line 4, by rewriting that line to read:

"FACILITIES AND TO REQUIRE THE STATE BOARD OF EDUCATION TO MAKE FAST-TRACK CHARTER SCHOOL REPLICATION DECISIONS WITHIN 120 DAYS.";

and on page 6, lines 46-47, by inserting the following between those lines:

"**SECTION 4.5.** If House Bill 242, 2015 Regular Session, become law, then Section 2 of that act reads as rewritten:

"**SECTION 2.** Section 6.5 of S.L. 2014-101 reads as rewritten:

"**SECTION 6.5.** Upon recommendations by the Office of Charter Schools and the Charter Schools Advisory Board, the State Board of Education shall adopt a process and rules for fast-track replication of high-quality charter schools currently operating in the State. The State Board of Education shall not require a planning year for applicants selected through the fast-track replication process. In addition to the requirements for charter applicants set forth in Part 6A of Article 16 of Chapter 115C of the General Statutes, the fast-track replication process adopted by the State Board of Education shall, at a minimum, require a board of directors of a charter school to demonstrate one of the following in order to qualify for fast-track replication:

(1) A charter school in this State governed by the board of directors has student academic outcomes that are comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located and can provide three years of financially sound audits.

(2) The board of directors agrees to contract with an education management organization or charter management organization that can demonstrate that it can replicate high-quality charter schools in the State that have proven student academic success and financial soundness.

The State Board of Education shall ensure that the rules for a fast-track replication process provide that decisions by the State Board of Education on whether to grant a charter through the replication process are completed in less than 120 days from the application submission date but in no event later than October 15 of the year immediately preceding the year of the proposed school opening. The State Board of Education shall adopt rules and procedures required by this section

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

S554-ATC-181 [v.3]

within 90 days of the effective date of this act, and report to the Joint Legislative Education Oversight Committee within 120 days of the effective date of this act.""".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H D

HOUSE BILL 1080
Committee Substitute Favorable 6/1/16
PROPOSED SENATE COMMITTEE SUBSTITUTE H1080-CSTC-84 [v.5]
06/23/2016 08:25:22 PM

Short Title: Achievement School District. (Public)

Sponsors:

Referred to:

May 11, 2016

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE ACHIEVEMENT SCHOOL DISTRICT.

The General Assembly of North Carolina enacts:

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

"Article 7A.

"Achievement School District and Innovation Zones.

"**§ 115C-75.5. Definitions.**

The following definitions apply in this Article:

(1) Achievement school. – A qualifying school selected by the State Board of Education under the supervision of the Achievement School District.

(2) Achievement School District or ASD. – The statewide school unit established pursuant to this Article.

(3) Achievement school operator or AS operator. – An entity selected by the State Board of Education upon the recommendation of the ASD Superintendent to operate an achievement school. The Department of Public Instruction may not be selected as an AS operator.

(4) ASD Superintendent. – The superintendent of the ASD appointed by the State Board of Education in accordance with G.S. 115C-75.6(b).

(5) Qualifying school. – A low-performing school, as defined in G.S. 115C-105.37, that meets one of the following criteria:

a. The school received a school performance score in the lowest five percent (5%) of all schools in the prior school year that meet all of the following requirements:

1. The school includes all or part of grades kindergarten through fifth.

2. The school did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years.

3. One of the models established in G.S. 115C-105.37B for continually low-performing schools had not been adopted for that school for the immediately prior school year.

b. The school received a school performance score in the lowest ten percent (10%) of all schools that include all or part of grades kindergarten through fifth in the prior school year and has been

designated by the local board of education for consideration by the State Board of Education as an achievement school.

"**§ 115C-75.6. Achievement School District.**

(a) There is established the Achievement School District (ASD) under the administration of the State Board of Education. The ASD shall assume the supervision, management, and operation of elementary schools that have been selected as achievement schools pursuant to this Article.

(b) An ASD Superintendent Selection Advisory Committee shall be established to make a recommendation to the State Board of Education on appointment of a superintendent to serve as the executive officer of the ASD. The Committee shall ensure that the individual recommended has qualifications consistent with G.S. 115C-271(a). The Lieutenant Governor shall serve as chair of the Committee and shall appoint the following additional members:

(1) Three members of the State Board of Education.
(2) One teacher or retired teacher.
(3) One principal or retired principal.
(4) One superintendent or retired superintendent.
(5) One parent of a student currently enrolled in a low-performing school, as defined in G.S. 115C-105.37.

(c) The State Board of Education shall consider the recommendation of the ASD Superintendent Selection Advisory Committee and shall appoint a superintendent to serve as the executive officer of the ASD. The ASD Superintendent shall serve at the pleasure of the State Board of Education at a salary established by the State Board of Education within the funds appropriated for this purpose. The ASD Superintendent shall have qualifications consistent with G.S. 115C-271(a) and report directly to the State Board of Education.

(d) By January 15 annually, the State Board of Education and the ASD Superintendent shall report to the Joint Legislative Education Oversight Committee on all aspects of operation of ASD, including the selection of achievement schools and their progress.

"**§ 115C-75.7. Selection of achievement schools.**

(a) State Board Selection. – The State Board of Education is authorized to select, upon the recommendation of the ASD Superintendent, no more than five qualifying schools to transfer to the ASD as achievement schools. The five qualifying schools selected for inclusion in the ASD should represent geographic diversity, including urban and rural schools. The State Board of Education shall select no more than one qualifying school per local school administrative unit, unless the local board of education consents.

(b) Selection Process. – The selection of qualifying schools shall be based on an analysis of performance over the most recent three-year period. Prior to recommendation of selection of a qualifying school, the ASD Superintendent shall conduct an evaluation of the school to determine the factors contributing to the school's performance and shall confer with the school principal, local board of education members, the local school superintendent, and the local board of county commissioners to share the findings of the evaluation. The school selection process shall also include a public hearing to allow for parent and community input. The ASD Superintendent shall evaluate and identify the qualifying schools to recommend for selection as prospective achievement schools no later than November 15 prior to the initial school year in which the school may operate as an achievement school and shall notify the local boards of education where prospective achievement schools are located by that date. The State Board of Education shall select the prospective achievement schools no later than January 15.

(c) Local Board Response. – Upon notification by the ASD Superintendent of selection by the State Board of Education of the qualifying school as a prospective achievement school, the local board of education shall determine whether to (i) close the selected qualifying school or (ii) transfer the school into the ASD. The local board shall not be required to undertake the study required by G.S. 115C-72 before closing the school. Before the adoption of a resolution, the local

board of education shall provide for a public hearing in regard to the proposed transfer or closure, at which hearing the public shall be afforded an opportunity to express their views. No later than March 1, the local board of education shall adopt a resolution either (i) consenting to transfer of the selected qualifying school to the ASD as an achievement school or (ii) closing that school at the conclusion of that school year. The State Board of Education may delay the transfer of a selected school to the ASD for one year only upon the recommendation of the ASD Superintendent.

(d) Public Notification. – The list of qualifying schools and selected achievement schools shall be made publically available on a Web site maintained by the ASD.

(e) Waivers for Achievement Schools. – The ASD Superintendent may waive State Board of Education rules, regulations, policies, and procedures, or the provisions of this Chapter for achievement schools; however, achievement schools shall be required to comply with, at a minimum, the statutory requirements for charter schools as provided in Article 14A of this Chapter. The goal for each waiver shall be improvement of student performance. All achievement schools shall comply with all applicable constitutional and statutory nondiscrimination requirements.

"**§ 115C-75.8. Selection of AS operators.**

(a) The State Board of Education may select an AS operator for a prospective achievement school by January 15 and shall select an AS operator for a prospective school no later than February 15.

(b) The State Board of Education, upon the recommendation of the ASD Superintendent, shall only select an entity to contract as an AS operator if that entity demonstrates one of the following:

(1) The school or schools operated by the entity in this State or other states have a record of results in improving performance of persistently low-performing schools or improving performance of a substantial number of persistently low-performing students attending the school.

(2) The entity has a credible and specific plan for dramatically improving student achievement in a low-performing school and provides evidence that the entity is currently operating a school or schools in this State that provide a sound, basic education or has demonstrated consistent and substantial growth toward providing a sound, basic education in the prior three school years or is a contractual affiliate of such an entity.

(c) The selected AS operator are encouraged to hold public informational sessions and other outreach to the community, prospective achievement school, and local board of education of a prospective achievement school prior to a local board's adoption of the resolution required by G.S. 115C-75.7(c).

(d) The contract between the State Board of Education and AS operator shall require, as a minimum, that the AS operator meet the same requirements as established for charter schools in the following statutes:

(1) G.S. 115C-218.20 (Civil liability and insurance requirements).

(2) G.S. 115C-218.25 (Open meetings and public records).

(3) G.S. 115C-218.30 (Accountability; reporting requirements to State Board of Education.

(4) G.S. 115C-218.50 (Charter school nonsectarian).

(5) G.S. 115C-218.55 (Nondiscrimination in charter schools).

(6) G.S. 115C-218.60 (Student discipline).

(7) G.S. 115C-218.65 (North Carolina School Report Cards).

(8) G.S. 115C-218.75 (General operating requirements).

(9) G.S. 115C-218.85 (Course of study requirements).

"**§ 115C-75.9. Management of achievement schools.**

(a) Direct Management by AS Operator. – An achievement school shall be subject to direct management by an AS operator selected by the State Board of Education, upon the recommendation of the ASD Superintendent, for a five-year contract.

(b) Role of AS Operator. – The AS operator shall be authorized to have a direct role in making decisions about school finance, human capital, and curriculum and instruction for the achievement school while developing the leadership capacity in such schools.

(c) Assignment to Achievement Schools. – All achievement schools shall remain open to enrollment in the same manner with the same attendance zone as prior to becoming an achievement school. If a local board of education's reassignment of students within the local school administrative unit due to student population changes or openings or closures of other schools impacts the achievement school, the AS operator may appeal to the ASD Superintendent and request a hearing before the State Board of Education regarding the reassignment. Notwithstanding G.S. 115C-366, the State Board of Education shall, after hearing from both the local board of education and AS operator, determine whether the reassignment of students impacting the achievement school may proceed.

(d) Facility and Capital Expenditures. – Facility and capital expenditures shall be provided as follows:

(1) In addition to the transfer of funds as provided in G.S. 115C-75.10, the local board of education shall be responsible for facility and capital expenditures at the qualifying school.

(2) All AS operators and local boards of education shall enter into an occupancy agreement establishing the terms of occupancy for the AS operator not otherwise addressed in statute. If the parties are unable to reach agreement, either party may petition the State Board of Education to resolve any issues in dispute.

(3) The AS operator shall have first priority in use of the facility for any purpose related to the operation of the achievement school. The local board of education may allow use of the facility by governmental, charitable, civic, or other organizations for activities within the community and may retain any funds received for such use for any time the AS operator has not provided written notice to the local board of its use of the facility during that time for a purpose related to the operation of the achievement school.

For the purposes of this subsection, facility and capital expenditures include routine maintenance and repair, and capital expenditures include building repair and maintenance, furniture, furnishings, and equipment.

(e) Transportation. – The local board of education shall provide transportation of all students assigned to the achievement school in the same manner as provided for other schools in the local school administrative unit in that school year.

(f) Memorandums of Understanding for Alternate Arrangements. – Notwithstanding this section, the AS operator, in consultation with the ASD Superintendent, may elect to enter into a memorandum of understanding for alternate arrangements with the local board of education to address any of the following:

(1) Facility and capital expenditures.

(2) Transportation services.

(3) Services for Children with Disabilities.

If the AS operator elects to use a memorandum of understanding for alternate arrangements, the AS operator and local board of education shall finalize the memorandum of understanding within 30 days of the initial request by the AS operator. If the parties have not completed the memorandum of understanding within 30 days, the State Board of Education shall resolve any issues in dispute.

(g) Student Records. – The local board of education shall make available in a timely fashion all student records to the achievement school at no cost for all students of that school.

(h) Achievement School Employees. – The AS operator shall select and hire the school principal for an achievement school. Within the limits of the school budget, the AS operator or its designee shall select staff members in accordance with guidance from the ASD Superintendent. Before finalizing staffing recommendations, the AS operator and the ASD Superintendent or the Superintendent's designee shall interview all existing staff members at the qualifying school and review student growth and performance data for those staff members for whom it is available. Notwithstanding Article 21A of this Chapter, the AS operator and the ASD Superintendent shall be permitted to examine personnel files of existing staff members for the qualifying school. The AS operator shall have the authority to decide whether any administrator, teacher, or staff member previously assigned to a qualifying school selected to become an achievement school shall continue as an employee of the achievement school. Any such employees retained shall become employees of the ASD. An employee hired to work in an achievement school shall be an employee of the ASD, and the employees shall be under the exclusive control of the ASD. All employees of the ASD shall be eligible for enrollment in the Teachers' and State Employees' Retirement System of North Carolina, the State Health Plan, and other benefits available to State employees. The AS operator shall provide funds to the ASD in an amount sufficient to provide salary and benefits for employees of the ASD working in the achievement school based on the terms of employment established by the AS operator.

(i) Criminal history checks. – The State Board of Education shall require applicants for employment with the ASD to be checked for criminal histories using the process provided in G.S. 115C-297.1. The State Board of Education shall provide the criminal history it receives to the ASD Superintendent and AS operator.

(j) Employees of Local Board of Education. – The transfer of a qualifying school shall be deemed a reorganization of the local school administration unit resulting in a reduction in force. If an employee is not given the option to continue as an employee for the achievement school, the local board of education may, in its discretion, do any of the following:

(1) Continue the employee's employment with the local board of education.

(2) Dismiss the employee due to a reduction in force as provided in Article 22 of this Chapter.

(3) Dismiss the employee as otherwise provided in Article 22 of this Chapter.

(k) Liability Insurance. – The AS operator shall maintain reasonable amounts and types of liability insurance as established by the State Board of Education. No civil liability shall attach to a local board of education or to any of its members or employees, individually or collectively, for any acts or omissions of the AS operator.

(l) School Nutrition Program. – The achievement school shall participate in the National School Lunch Program, as provided in G.S. 115C-264.

(m) Cooperation with ASD Superintendent. – The local board of education shall cooperate with the ASD Superintendent in carrying out his or her powers and duties as necessary in accordance with this Chapter.

"**§ 115C-75.10. Achievement schools funds.**

(a) Funding Allocation Selection. – State and local funding for an achievement school shall be allocated as provided in subsection (b) or subsection (c) of this section. The AS operator shall select one of the allocation methods as the method to be used for the achievement school.

(b) Designated Funding. – Funding shall be allocated to the ASD for the achievement school by the State Board of Education and local board of education as follows:

(1) The State Board of Education shall allocate the following to the ASD for each achievement school:

a. An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in

which the achievement school was located for each child attending the achievement school except for the allocations for (i) children with disabilities, (ii) children with limited English proficiency, and (iii) transportation. The State Board of Education shall provide the allocation for transportation to the local school administrative unit in which the achievement school is located.

b. An additional amount for each child attending the achievement school who is a child with disabilities.

c. An additional amount for children with limited English proficiency attending the achievement school, based on a formula adopted by the State Board of Education.

(2) The local school administrative unit in which the achievement school is located shall transfer to the ASD for the achievement school an amount equal to the per pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the ASD for the achievement school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and ASD may use the process for mediation of differences between the State Board of Education and a charter school provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to an achievement school located in the tax district for which these taxes are levied and in which the student resides. The local school administrative unit shall also provide the ASD with all of the following information within the 30-day time period provided in this subsection:

a. The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).

b. The student membership numbers used to calculate the per pupil share of the local current expense fund.

c. How the per pupil share of the local current expense fund was calculated.

d. Any additional records requested by the ASD from the local school administrative unit in order for the ASD to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

(c) Funding Memorandum of Understanding. – The AS operator, in consultation with the ASD Superintendent, may enter into a funding memorandum of understanding with the local board of education of the local school administrative unit where the achievement school is located for all student support and operational services and instructional services to be provided by the local board of education in the same manner and degree as in the prior school year or funding in an amount equivalent to the amount the local board of education would have expended on those services if provided. For the purposes of this subsection, student support and operational services include cafeteria services, custodial services, broadband and utilities, and student information services, and instructional services include alternative education, special education services, test administration services, textbooks, technology, media resources, instructional equipment, and other resources. The AS operator and local board of education shall finalize the funding memorandum of understanding within 30 days of the initial request for the memorandum by the AS operator. If the parties have not completed the funding memorandum of understanding within 30 days, the State Board of Education shall resolve any issues in dispute.

(d) The ASD may seek, manage, and expend federal money and grants, State funding, and other funding with the same authority as a local school administrative unit, including decisions related to allocation of State funds among achievement schools.

"**§ 115C-75.11. Accountability and governance for achievement schools.**

(a) The AS operator shall set clear goals related to higher academic outcomes for students, safe and positive learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars, empower and equip teachers and school leaders to meet the goals, and hold such teachers and school leaders accountable to meet the goals. The AS operator shall apply to the ASD Superintendent for appropriate waivers for the achievement school pursuant to G.S. 115C-75.7(e).

(b) The AS operator shall select, approve, or remove the school principal of an achievement school that it is managing in accordance with this Article.

(c) The AS operator shall enter into an agreement with the school principal regarding specific goals for the achievement school related to higher academic outcomes for students, safe and positive learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars. The agreement shall be made publicly available on the ASD Web site.

(d) An achievement school shall not be included in any State evaluation or performance models used for the local school administrative unit in which the school is located but shall be considered a part of the ASD for all evaluation purposes.

"**§ 115C-75.12. Term of supervision for an achievement school.**

(a) An achievement school shall remain under the supervision of the ASD for a minimum of five consecutive years through a contract with an AS operator. The following shall apply to the term of a contract with an AS operator of an achievement school:

(1) Early termination of contract based on performance. – If, during the five-year contract, the achievement school's annual percentage growth does not exceed the average annual percentage growth of other qualifying schools for three consecutive years, the State Board of Education, upon the recommendation of the ASD Superintendent, may terminate the contract at the conclusion of the academic year and select another AS operator in accordance with G.S. 115C-75.8 to assume the remainder of the five-year contract and any occupancy agreements or memorandums of understanding with the local board of education at the beginning of the next academic year.

(2) Nonrenewal of contract based on performance. – If, by the end of the five-year contract, the achievement school's average annual percentage growth during the term of the contract does not exceed the average annual percentage growth of other qualifying schools during the same term, the State Board of Education shall not renew the contract of the AS operator and develop a transition plan to return the school to the local school administrative unit.

(3) State Board of Education optional extension of contract for three years. – If, by the end of the five-year contract, the achievement school remains a qualifying school but has exceeded the average annual percentage growth of other qualifying schools, the State Board of Education, upon the recommendation of the ASD Superintendent in his or her discretion, may continue the contract with the AS operator for an additional three-year term. The ASD Superintendent and AS operator shall engage the school, the school community, and the school's local board of education in developing a transition plan for the school to leave the supervision of the ASD at the conclusion of the three-year extension of the contract. If the State Board of Education does not elect to continue the contract, the State Board of Education may do any of the following:

a. Select another AS operator for a three-year contract.

b. Close the school as provided in subdivision (2) of this subsection.
c. Develop a transition plan to return the school to the local school administrative unit for the next school year.

(4) AS operator option to extend contract for three years. – If, by the end of the five-year contract, the achievement school receives a grade of C or higher under G.S. 115C-12(9)c1., the AS operator shall have the option to extend the contract for another three-year term. The ASD Superintendent and AS operator shall engage the school, the school community, and the school's local board of education in developing a transition plan for the school to leave the supervision of the ASD at the conclusion of the three-year extension of the contract. Options at the conclusion of the contract shall include the following:
a. Conversion to charter. – If, in the development of the transition plan, a local board of education indicates by resolution to the State Board of Education that the local board of education elects to not receive the transfer of the achievement school back to the local school administrative unit, the AS operator may apply to convert the school to a charter school under Article 14A of this Chapter. If a charter is awarded, the charter board of directors may request to use the facility as provided in G.S. 115C-218.35. If the AS operator does not seek conversion to a charter school or fails to receive a charter, the State Board of Education may close the school as provided in subdivision (2) of this subsection.
b. Alternate as operator or return to local school administrative unit. – If the AS operator does not elect to continue the contract, the State Board of Education may select another AS operator for a three-year contract or may develop a transition plan to return the school to the local school administrative unit for the next school year.

(5) Termination of contract on other grounds. – The State Board of Education, upon the recommendation of the ASD Superintendent, may terminate a contract with an AS operator at any time during the contract for financial mismanagement, noncompliance with federal or State laws, failure to comply with the terms of the contract, or evidence of criminal activity. The State Board of Education shall develop a transition plan to return the school to the local school administrative unit.

(b) An achievement school shall remain under the supervision of the ASD for no more than eight years.

(c) The State Board of Education shall make all decisions related to contracts for AS operators no later than May 1, except as provided in subdivision (5) of subsection (a) of this section.

"**§ 115C-75.13. Innovation zones.**

(a) If a local board of education transfers a qualifying school to the ASD, the local board of education may ask the State Board of Education to be allowed to create an innovation zone for up to three continually low-performing schools within its local school administrative unit. The State Board of Education shall grant such requests for the creation of an innovation zone. The State Board of Education shall also authorize the local board of education the flexibility to operate the schools within the innovation zone with the same exemptions from statutes and rules as a charter school authorized under Article 14A of this Chapter and with exemptions from local board of education policies as needed to ensure autonomy under the guidance of the innovation zone office for financial, programmatic, staffing, and time allocation decisions.

(b) The innovation zone created by a local board of education must include all of the following:

(1) Development of a clear and specific plan for improving schools within the innovation zone.

(2) Establishment of an innovation zone office with a leader appointed by the local board of education and approved by the State Board of Education to govern and lead the schools in the innovation zone.

(3) Attraction of high-quality staff at schools in the innovation zone through the use of incentives, favorable working conditions, and development of partnerships to develop human capital.

(4) Accountability for those schools based on established benchmarks and goals for student achievement and for support services provided by the local school administrative unit based on metrics established by the innovation zone office for effective and efficient delivery.

(5) Support for those schools by the innovation zone office to ensure priority in services from the local school administrative unit, pursuit of outside funding, and technical support, including support from external partners.

(c) A local board of education may maintain an innovation zone created as provided in subsection (a) for up to five consecutive years. The State Board of Education may terminate the innovation zone as follows:

(1) Early termination of innovation zone based on performance. – If, during the five year period, the average of the annual percentage growth of the schools within the innovation zone does not exceed the average annual percentage growth of other continually low-performing schools for three consecutive years, the State Board of Education, upon the recommendation of the ASD Superintendent, may terminate the innovation zone at the conclusion of the academic year.

(2) Nonrenewal of innovation zone based on performance. – If, by the end of the five year period, the average annual percentage growth of the schools within the innovation zone over the five year period does not exceed the average annual percentage growth of other continually low-performing schools during the same term, the State Board of Education shall not permit the local board of education to continue the innovation zone.

(3) State Board of Education optional extension of innovation zone for three years. – If, by the end of the five-year period, the schools within the innovation zone remain continually low-performing schools but have exceeded the average annual percentage growth of other continually low-performing schools, the State Board of Education, upon the recommendation of the ASD Superintendent in his or her discretion, may allow continuation of the innovation zone for an additional three years.

(4) Local board of education option to extend innovation zone for three years. – If, by the end of the five-year period, the schools within the innovation zone receive a grade of C or higher under G.S. 115C-12(9)c1., the local board of education shall have the option to extend the innovation zone for another three years."

SECTION 2. G.S. 115C-105.37A is amended by adding a new subsection to read:

"(d) The State Board of Education shall report annually to the Superintendent of the Achievement School District on any schools identified under this section as qualifying schools as defined in G.S. 115C-75.5 for consideration to be selected as achievement schools in accordance with Article 7A of this Chapter."

SECTION 3. G.S. 115C-321(a) reads as rewritten:

"(a) All information contained in a personnel file, except as otherwise provided in this Chapter, is confidential and shall not be open for inspection and examination except to any of the following persons:

(1) The employee, applicant for employment, former employee, or his properly authorized agent, who may examine his own personnel file at all reasonable times in its entirety except for letters of reference solicited prior to employment.

(2) The superintendent and other supervisory personnel.

(3) Members of the local board of education and the board's attorney.

(4) A party by authority of a subpoena or proper court order may inspect and examine a particular confidential portion of an employee's personnel file.

(5) An achievement school operator and the Superintendent of the Achievement School District if the school where the individual is employed has been selected as an achievement school as provided in Article 7A of this Chapter."

SECTION 4. Evaluation of the Achievement School District and other Innovation Models. – The State Board of Education shall contract during the 2016-2017 school year with an independent research organization to evaluate the implementation and effectiveness of the following:

(1) The Achievement School District in turning around low-performing schools beginning with the 2017-2018 school year through the 2021-2022 school year. The State Board of Education shall require AS operators to provide the independent research organization with requested data to conduct the evaluation. The independent research organization shall include an analysis on the impact of public versus private funding in the effectiveness of the Achievement School District.

(2) Innovation zones in turning around low-performing schools beginning with the 2016-2017 school year through the 2021-2022 school year. The State Board of Education shall require local boards of education granted innovation zones to provide the independent research organization with requested data to conduct the evaluation.

The independent research organization shall report its interim findings to the State Board of Education annually no later than February 15, beginning in 2017, and shall submit a final report no later than February 15, 2023. The State Board of Education shall provide the report of the independent research commission, along with any recommended legislative changes, to the Joint Legislative Education Oversight Committee annually no later than March 1, beginning in 2017 until submission of the final report in 2023.

SECTION 5. There is appropriated from the General Fund to the Department of Public Instruction four hundred thousand dollars ($400,000) in recurring funds for the 2016-2017 fiscal year for salary and benefits for the ASD Superintendent, staff, and other expenses associated with the ASD. There is appropriated from the General Fund to the Department of Public Instruction five hundred thousand dollars ($500,000) for the 2016-2017 fiscal year to contract with an independent research organization to conduct the evaluation required in Section 4 of this act.

SECTION 6. It is the intent of the General Assembly to appropriate to the Department of Public Instruction four hundred fifty thousand dollars ($450,000) for the 2017-2018 fiscal year and annually thereafter for innovation zone model grants. Upon appropriation of funds, the State Board of Education shall award innovation zone model grants of up to one hundred fifty thousand dollars ($150,000) per fiscal year for five years to local boards of education who (i) have been authorized to adopt the innovation zone model by the State Board of Education for up to three schools and (ii) provide a dollar-for-dollar match with non-State funding for the requested grant amount. Innovation zone model grants shall be directed by local boards of educations to the innovation zone office to address specific issues in innovation zone schools.

SECTION 7. This act becomes effective only if funds are appropriated by the Current Operations Appropriations Act of 2016 for the Achievement School District.

SECTION 8. This act is effective when it becomes law, and supervision of achievement schools by the Achievement School District shall begin with the 2017-2018 school year. In the discretion of the State Board of Education (i) the ASD Superintendent may not be required during the 2016-2017 school year to recommend qualifying schools for inclusion in the ASD for the 2017-2018 school year and (ii) the time line for selection of achievement schools for the 2017-2018 school year provided in G.S. 115C-75.7 may be varied, but in no event may the local board of education's decision occur later than April 1, 2017. The State Board of Education may select up to five qualifying schools to transfer to the ASD beginning with the 2017-2018 school year but shall select at least two qualifying schools to transfer to the ASD no later than the 2018-2019 school year and shall have selected five qualifying schools for transfer to the ASD no later than the 2019-2020 school year.

HOUSE BILL 1080:
Achievement School District.

2016-2017 General Assembly

Committee:	Senate Education/Higher Education	**Date:**	June 24, 2016
Introduced by:	Reps. Bryan, Brockman, Bradford	**Prepared by:**	Kara McCraw and Drupti Chauhan, Committee Co-Counsel
Analysis of:	PCS to Second Edition H1080-CSTC-84		

SUMMARY: HB 1080 would create the Achievement School District (ASD), a State-level and statewide school administrative unit for low-performing schools from across the State. It would also allow the creation of innovation zones for local school administrative units (LEA) that transfer a qualifying school into the ASD.

The PCS for HB 1080 would makes substantive and technical changes, including:

- ***Requires the State Board of Education to include as a term of contracts with achievement school operators (AS operators) operating requirements similar to those for charter schools.***
- ***Clarifies the process for use of the school facility when not being used by the AS operator.***
- ***Requires criminal history checks for employees of the ASD.***
- ***Clarifies the goals that must be set by AS operators.***
- ***Creates terms of supervision for innovation zones.***
- ***Removes a new type of turnaround model - principal turnaround schools.***
- ***Removes a 5 school innovation zone in Charlotte-Mecklenburg Schools composed of Project LIFT and Beacon Initiative schools.***
- ***Removes a small and medium LEA innovation zone pilot of up to 3 schools.***

CURRENT LAW: Administration of public schools in the State is primarily at the local level, with the exception of certain schools that serve specialized populations administered at the State level. There are 115 local school administrative units in North Carolina which largely correspond to counties or, in some cases, cities.

G.S. 115C-105.37B allows LEAs with continually low-performing schools to request approval from the State Board of Education to adopt certain reform models for those schools, including the "restart model" which authorizes the local board to operate a school with the same flexibility of a charter school (except for certain employment requirements) or under the management of an educational management organization selected through a rigorous review process. These schools remain under the control of the local board of education.

BILL ANALYSIS: Section 1 would create a new article establishing the Achievement School District and Innovation Zones as follows:

Definitions – G.S. 115C-75.5 sets forth the definitions related to the ASD.

Achievement School District – G.S. 115C-75.6 establishes the ASD under the control of the State Board of Education (SBE) and headed by the ASD Superintendent. Recommendations for selection of the ASD Superintendent would be made by a Selection Advisory Committee, headed by the Lt. Governor, with final appointment by the SBE.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

Selection of Achievement Schools – G.S. 115C-75.7 provides that the SBE, upon the recommendation of the ASD Superintendent, would select 5 qualifying elementary schools to transfer to the ASD as achievement schools. No more than 1 school could be selected from each LEA unless the LEA consents to more than 1, and the selected schools should reflect geographic diversity.

Selection Process: To qualify for consideration, the elementary school must meet one of the following:

1. Received a school performance score in the lowest 5% of all schools in the prior school year that meet the following requirements:
    - The school includes all or part of grades K-5.
    - The school did not exceed growth in at least one of the prior 3 school years and did not meet growth in at least one of the prior 3 school years.
    - One of the reform models for continually low-performing schools has not been adopted for the school in the prior school year.
2. Received a school performance score in the lowest 10% of all schools that include all or part of grades K-5 in the prior school year and was designated by the local board of education for consideration as an achievement school by the SBE.

The ASD Superintendent must consider the school's performance over the past 3 years, conduct an evaluation of the school, confer with local officials, hold a public hearing, and make recommendations to the SBE by November 15. The SBE must select the prospective schools by January 15.

Local Board of Education Determination: Once notified that an elementary school in the LEA has been selected, the local board must adopt a resolution no later than March 1 to: (i) close the school at the end of the school year or (ii) consent to the transfer of the school to the ASD. Prior to the determination, the local board must hold a public hearing on the proposed transfer or closure.

Public Notification: A list of the qualifying and selected achievement schools would be made publically available on the ASD website.

Waivers for AS Schools: The ASD Superintendent may waive SBE rules, regulations, policies, and procedures, or the provisions of this Chapter for achievement schools but they must comply with, at a minimum, the statutory requirements for charter schools as provided in Article 14A of this Chapter.

Selection of AS Operators – G.S. 115C-75.8 requires the SBE to select operators for the achievement schools (AS operators) by February 15.

Selection Criteria: The AS operators would be selected based on recommendations of the ASD Superintendent. To qualify for selection, an AS operator must show one of the following:

1) The school or schools operated by the entity in this State or other states have a record of results in improving performance of either persistently low performing schools or of a substantial number of persistently low-performing students attending the school.

2) The entity (or a contractual affiliate) has a credible and specific plan for dramatically improving student achievement in a low-performing school and provides evidence that the entity is currently operating a school or schools in this State that either provide a sound, basic education or have demonstrated consistent and substantial growth towards providing a sound, basic education in the prior three school years.

Community outreach opportunities: The selected AS operators are encouraged to hold public information sessions and other outreach to the community, school, and local board prior to the local board's adoption of the transfer/closure resolution by March 1.

Contract requirements: The SBE must include the same operational requirements as required by statute for charter schools in contracts with AS operators.

Management of Achievement Schools – G.S. 115C-75.9 requires the direct management of an achievement school by an AS operator for a 5 year contract. The AS operator would have a direct role in making decisions on school finance, human capital, and curriculum and instruction.

Assignment to Achievement Schools: Achievement schools must remain open to enrollment in the same manner with the same attendance zone as prior to becoming an achievement school. If the local board's student reassignments due to populations changes or openings or closures of other schools impacts the achievement school, the AS operator can appeal to the ASD Superintendent and request a hearing before the SBE on the reassignment and the SBE would determine if the local board's reassignment plan may proceed.

Facility and Capital Expenditures: The LEA in which the achievement school is located would remain responsible for facility and capital expenditures for the achievement school. An occupancy agreement must be agreed upon and differences can be petitioned to the SBE for resolution. The AS operator would have first priority in facility use for any purpose related to the operation of the school.

Transportation: The local board of education must provide transportation for all students assigned to the achievement school in the same manner as transportation is provided for schools within the LEA.

Alternate Arrangements for Memorandums of Understanding: If the AS operator chooses to do so, facilities, capital, transportation, and services for children with disabilities may be addressed in a different manner through a memorandum of understanding (MOU) which must finalized within 30 days of the request of the AS operator. The SBE would resolve any disputes.

Student Records: The local board of education must make student records available to the achievement school at no cost.

Achievement School Employees: The AS operator must select and hire the school principal for the school and select staff members as guided by the ASD Superintendent. The AS operator and the ASD Superintendent or designee must interview existing staff members at the school and review student data for those staff members. They may also review personnel files for the existing staff members and have the authority to decide whether existing staff members shall continue as employees of the achievement school. Those hired to work in an achievement school would be employees of the ASD and under its exclusive control and would continue to be State employees on the terms of the employment established by the AS operator.

Criminal history checks: Applicants for employment with the ASD must have a criminal record check conducted through the State Board of Education.

Local Boards of Education Employees: The transfer of a school to the ASD would be a reorganization of the LEA resulting in a reduction of force. If an employee is not hired by the ASD, the local board of education may: (i) continue the employee's employment with the local board of education; (ii) dismiss the employee due to a reduction in force; or (iii) dismiss the employee on other grounds.

Liability Insurance: The AS operator must maintain liability insurance as established by the SBE with no civil liability attaching to the local boards of education for any acts or omissions of the AS operators.

School Nutrition Program: The achievement school must participate in the National School Lunch Program.

Local Board Cooperation: The local board of education must cooperate with the ASD Superintendent in carrying out necessary powers and duties.

Achievement School Funds – G.S. 115C-75.10 provides for the funding allocation to achievement schools. The AS Operator may choose between 1) Designated Funding or a 2) Funding Memorandum of Understanding.

1) Designated Funding:

The SBE would allocate to the ASD for each achievement school:

1) An amount equal to the average per pupil allocation for average daily membership from the LEA allotments in which the achievement school was located for each child at the achievement school except for the allocations for children with disabilities, children with limited English proficiency, and transportation. The transportation allocation would be given to the LEA in which the achievement school is located.
2) An additional amount for each child that is a child with a disability.
3) An additional amount for each child with limited English proficiency.

The LEA must transfer an amount equal to the per pupil share of the local current expense fund with any dispute resolved by the method provided for charter schools. Revenue derived from supplemental taxes could only be transferred to an achievement school in the tax district for which these taxes are levied and in which the student resides.

2) Funding Memorandum of Understanding: The AS operator may enter into a funding memorandum of understanding with the local board of education for all student support and operational and instructional services to be provided by the local board of education in the same manner and degree as the prior school year or funding in an amount equal to what the local board of education would have spent on those services. These services include cafeteria services, custodial services, broadband and utilities etc. Disputes would be resolved by the SBE.

The ASD may seek federal, State, and other funds in the same manner as an LEA, including decisions related to allocation of State funds among achievement schools.

Accountability and Governance for Achievement Schools – G.S. 115C-75.11 provides that the AS operator would select and hire the school principal, and would have authority to remove the principal. The AS operator must have an agreement with the principal on specific goals for the school related to higher academic outcomes for students with that agreement posted on the ASD website. The achievement school outcomes would not be included in evaluation models for the LEA.

Terms of Supervision for an Achievement School – G.S. 115C-75.12 states that the achievement school must remain under the supervision of the ASD for at least 5 consecutive years through a contract with an AS operator. An achievement school can remain under the supervision of the ASD for no more than 8 years.

Early Termination of Contract Based on Performance: If the achievement school's annual percentage growth does not exceed the average annual percentage growth of other qualifying schools for 3 consecutive years during the 5 year contract, the SBE may terminate the contract at the end of that academic year and select another AS operator to assume the remainder of the contract.

Nonrenewal of Contract Based on Performance: If at the end of the 5 year contract, the achievement school's average annual percentage growth during the term of the contract does not exceed the average annual percentage growth of other qualifying schools for the same term, the SBE must not renew the contract with the AS operator and develop a transition plan to return the school to the LEA.

State Board Optional Extension of Contract for 3 years: If by the end of the 5 year contract, the achievement school remains a qualifying school but has exceeded the average annual percentage growth of other qualifying schools, the SBE, upon the recommendation of the ASD Superintendent, can continue the contract with the AS operator for another 3 years.

If the SBE does not elect to continue the contract, it may: (i) select another AS operator for a 3 year contract; (ii) close the school; or (iii) develop a transition plan to return the school to the LEA.

AS Operator Option to Extend Contract for 3 years: If by the end of the 5 year contract, the achievement school receives a grade of C or higher under the performance grades issued to schools, the AS operator has the option to extend the contract for 3 years. Stakeholders shall develop a transition plan for the school to leave the ASD at the end of the 3 year extension with the options at the end of the contract being as follows: (i) conversion to a charter school if the local board of education does not wish to receive the school back into the LEA (if no charter is received, the SBE may close the school) or (ii) the SBE may select another AS operator for a 3 year contract or develop a transition plan to return the school to the LEA.

Termination of Contract on Other Grounds: The SBE may terminate a contract with an AS operator at any time during the contract for financial mismanagement, noncompliance with federal or State laws, failure to comply with the contract, or evidence of criminal activity.

Innovation Zones – G.S. 115C-75.13 provides that if a local board of education transfers a qualifying school to the ASD, the local board may then ask the SBE to be allowed to create an innovation zone for up to 3 continually low-performing schools within its local school administrative unit. The SBE must grant these requests and authorize the local board to have the flexibility to operate the schools within the innovation zone with the same exemptions of rules and statutes as given to charter schools as well exemptions from local board policies.

The innovation zone must include the following:

- Plan for improving the schools in the innovation zone.
- An innovation zone office with a leader appointed by the local board and approved by the SBE.
- High quality staff at the schools in the innovation zone through the use of incentives, favorable working conditions, and partnerships.
- Accountability based on benchmarks and goals for student achievement.
- Support for the schools in the innovation zone to ensure priority in services from the local school administrative unit, and pursuit of outside funding and technical support.

Innovation zones could be authorized for up to 5 years. The zone could be terminated early or not renewed at the end of the 5 year period based on performance. The zone could be extended in the Board's discretion based on performance, and must be extended at the request of the local board if the schools have been raised to receive a "C" or higher on the school's report card.

SECTION 2: Annual Report - Directs the SBE to report annually to the ASD Superintendent on schools identified as qualifying schools for consideration to be selected as achievement schools.

SECTION 3: Conforming Change - Makes conforming changes to the personnel file statute.

SECTION 4: Independent Evaluation - The SBE must contract with an independent research organization (IRO) beginning in 2016-2017 to evaluate the implementation and effectiveness of the ASD and innovation zones. The IRO must include analysis on the impact of public versus private funding in evaluation the effectiveness of the ASD. The IRO must report its annual interim findings beginning February 15, 2017, with a final report to the SBE by February 15, 2023, and the SBE must provide the report along with recommended legislative changes to the Joint Legislative Education Oversight Committee annually beginning March 1, 2017 until submission of the final report in 2023.

SECTION 5: ASD and Evaluation Appropriation - Appropriates to DPI (i) $400,000 in recurring funds for the 2016-2017 fiscal year for salary and benefits for the ASD Superintendent, staff, and other associated expenses, and (ii) $500,000 for the 2016-2017 fiscal year to contract for the evaluation required in Section 4.

SECTION 6: Innovation Zone Model Grants - Expresses the intent of the General Assembly to appropriate to DPI $450,000 for the 2017-2018 fiscal year and annually thereafter for innovation zone model

grants. The SBE must award innovation zone model grants of up to $150,000 per fiscal year for 5 years to local boards of education who (i) have been authorized to adopt the innovation zone model by the SBE, and (ii) provide a dollar for dollar match with non-State funding for the requested grant amount.

SECTION 7: Effective only if Funds are Appropriated - The act would become effective only if funds are appropriated by the Current Operations Appropriations Act of 2016 for the Achievement School District.

EFFECTIVE DATE: This proposed legislation would become effective when it becomes law, and apply beginning with the 2017-2018 school year. In the discretion of the SBE (i) the ASD Superintendent may not be required during the 2016-2017 school year to recommend qualifying schools for inclusion in the ASD for the 2017-2018 school year and (ii) the timeline for selection of achievement schools for the 2016-2017 school year provided in G.S. 115C-75.7 may be varied, but in no event may the local board of education's decision occur later than April 1, 2017. The SBE may select up to five qualifying schools to transfer to the ASD beginning with the 2017-2018 school year, but must select at least two qualifying schools to transfer to the ASD no later than the 2018-2019 school year and shall have selected five qualifying schools for transfer to the ASD no later than the 2019-2020 school year.

BACKGROUND: As introduced, HB 1080 was recommended by the House Select Committee on Achievement School Districts.

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7-24-16

(Committee Name)

Ed/Higher Ed

Date

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