

2017

**HOUSE
EDUCATION –
COMMUNITY COLLEGES**

MINUTES

HOUSE COMMITTEE ON COMMUNITY COLLEGE 2-2-17

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
<u>CHAIRS</u>				
BRODY	Neva	715-3029	2219	62
SAULS	Karen	715-3026	610	37
<u>VICE</u>				
DOBSON	Julie	733-5862	301N	114
FORD	Olivia	733-5881	608	64
HOLLEY	Lee	733-5758	1219	93
REIVES	Veronica	733-0057	1323	92
<u>MEMBERS</u>				
ALEXANDER	Marjorie	733-5778	404	35
BLACK		733-5872	501	91
CLAMPITT	Ed	715-3005	1420	113
GARRISON	Anita	733-5824	1017	95
HALL	Brad	733-5755	1004	50
JOHNSON	Rhonda	733-5861	301D	3
MCNEILL	Laura	715-4946	418B	55
POTTS	Caroline	715-0873	607	110
TURNER, B	Anna	715-3012	1209	120
WATFORD	Regina	715-2526	2121	76
WILLIAMS	Kathy	733-2962	603	90
ZACHARY	Haley	715-8361	1002	74

Speaker's POLICY STAFF

LEWIS KING cell 919-417-4857 LOB 303A lewis.king@ncleg.net

FREDENA REVELS cell 919-740-9434 LOB 660 fredena.revels@ncleg.net



COMMUNITY COLLEGE

2017

Co-Chairs

Rep. John Sauls and Rep. Mark Brody

5 Committee meetings held in Spring Session.

Scheduled time: 1pm in room 1228

Dates: 2/28, 3/21, 4/4, 4/19, 4/26

Research

919-733-2578

Drupti Chauhan - lead

Kara McCraw

Brian Gwyn

Dee Atkinson

Speaker's Office

Fredina Revels 919-740-9434

Lewis King 919-417-4857

Fiscal

919-733-4910

Brett Altma

Jennifer Hoffman

Lisa Fox

Lauren Metayer

CLERK: Karen Rosser saulsla@ncleg.net 919-715-3026



HOUSE COMMITTEE ON EDUCATION – COMMUNITY COLLEGES

2017-2018 SESSION

Clerk: Karen Rosser



BRODY Chair



SAULS Chair



Dobson VChair



Ford VChair



Holley VChair



Reives VChair



Alexander



Black



Clampitt



Garrison



D. Hall



Johnson



McNeill



Potts



B. Turner



Watford



Williams



Zachary



Corrected #1: CORRECTION: Not a Joint Meeting

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Tuesday, February 28, 2017

TIME: 1:00 PM

LOCATION: 1228/1327 LB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 12	Stanly CC/Bd. of Trustees.	Representative Burr Representative Iler Representative J. Bell
HB 14	Montgomery CC/Bd. of Trustees.	Representative Burr Representative Iler Representative J. Bell

Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:18 PM on Monday, February 27, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Karen Rosser (Committee Assistant)



House Committee on Education - Community Colleges
Tuesday, February 28, 2017, 1:00 PM
1228/1327 Legislative Building

AGENDA

Welcome and Opening Remarks

Introduction of Pages

Bills

BILL NO.	SHORT TITLE	SPONSOR
HJR 194	SBCC Elections.	Representative Brody
		Representative Sauls
HB 12	Stanly CC/Bd. of Trustees.	Representative Burr
		Representative Iler
		Representative J. Bell
HB 14	Montgomery CC/Bd. of Trustees.	Representative Burr
		Representative Iler
		Representative J. Bell

Presentations

Other Business

Adjournment



House Committee on Education-Community Colleges
Tuesday, February 28, 2017 at 1:00pm
Room 1228/1327 LB

MINUTES

The House Committee on Education-Community Colleges met on Tuesday, February 28, 2017 at 1:00pm in Room 1228/1327 of the Legislative Building. Representatives Brody, Sauls, Dobson, Ford, Holley, Reives, Alexander, Black, Clampitt, Garrison, D. Hall, Linda Johnson, McNeill, Potts, B. Turner, Watford, Williams, and Zachary were in attendance.

Representative Brody presided over the meeting and called it to order at 1:00pm. He introduced the Pages and the Sergeant at Arms. Three bills were considered.

The first bill considered was **House Joint Resolution 194**, titled SBCC Elections, sponsored by Representative Brody and Representative Sauls. This joint resolution would establish Thursday, April 6, 2017 for the House of Representatives and the Senate to elect members to the State Board of Community Colleges (State Board). Representative Brody was the primary sponsor of the bill, so Representative Sauls (Committee Co-Chair) presided over the meeting while Representative Brody presented the bill. President Jimmie Williamson from NCCC system spoke on his neutrality for the bill but requested that there be statewide consistency. Mr. Breeden Breedlove of the State Board of Community Colleges voiced his lack of support for the bill. With no further questions or comments, Representative Johnson was recognized for a motion favorable to the PCS, unfavorable to the original bill. Majority being in favor, the motion carried.

HB 14 entitled, MONTGOMERY CC/BD. OF TRUSTEES, sponsored by Representative Burr was considered. Representative Burr was called on to explain. The bill would change the appointing entity for four members of the board of trustees of Montgomery Community College from the Governor to the General Assembly. The PCS for HB 14 would make the same change for the following community colleges: Cape Fear Community College, Isothermal Community College, Nash Community College, and Wayne Community College. Representative Brody recognized Representative Burr to present the bill. Representative Dobson made a motion to approve the bill PCS and with no objections, so order. After a brief discussion about the bill, Representative Dobson motioned for an unfavorable report to the original bill and a favorable report to the PCS. The motion passed.

Representative Burr was recognized to explain HB 12 entitled, STANLEY CC/ BD. OF TRUSTEES. This bill. would change the appointing entity for four members of the board of trustees of Stanly Community College from the Governor to the General Assembly.


The PCS for HB 12 would also make the following changes:

- ☐ Change the appointing entity for four members of the board of trustees of Cleveland Community College from the board of education to the county commissioners, and the appointing entity for four members from the Governor to the General Assembly. Representative Potts sent forth an amendment to pg 4, line 39 adding Davidson County.
 - ☐ Change the appointing entity for four members of the boards of trustees of the following community colleges from the Governor to the General Assembly: Brunswick, Craven, Gaston, James Sprunt, Lenoir, and Rowan-Cabarrus.
- Representative Brody recognized Representative Burr to present the bill.
Representative Dobson made a motion to move for a favorable report for the PCS for HB12 and an unfavorable to the original.
Majority in favor, the motion carried.

With no further business before the Committee, Representative McNeill made a motion to adjourn and the motion passed unanimously. The meeting adjourned at 1:40pm.

Respectfully submitted,


Representative Mark Brody, Chair


Karen Rosser, Committee Clerk



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT

Representative Mark Brody, Co-Chair

Representative John Sauls, Co-Chair

FAVORABLE

HJR 194

SBCC Elections.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Brody

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 12

Stanly CC/Bd. of Trustees.

Draft Number:	H12-PCS10089-TC-2
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Burr

HB 14

Montgomery CC/Bd. of Trustees.

Draft Number:	H14-PCS40132-TC-3
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	Yes
Floor Manager:	Burr

TOTAL REPORTED: 3



* C M R 3 1 - V - 1 *



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

H

1

HOUSE JOINT RESOLUTION 194

Sponsors: Representatives Brody and Sauls (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges

February 27, 2017

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

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

5 **SECTION 1.** Pursuant to G.S. 115D-2.1(b)(4)f., the House of Representatives and the
6 Senate shall elect members to the State Board of Community Colleges during the regular sessions
7 of the two chambers to be held on Thursday, April 6, 2017. At that time, the House of
8 Representatives shall elect one member to the State Board for a term of six years beginning July 1,
9 2017. The Senate also shall elect one member to the State Board for a term of six years beginning
10 July 1, 2017.

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

13 **SECTION 3.** This resolution is effective upon ratification.





State Board of Community Colleges Composition – G.S. 115D-2.1

21 Members

- Lt. Governor
- State Treasurer
- Student serving as President of NC Comprehensive Community College Student Government Association (non-voting)
- 10 members appointed by Governor
 - 4 at-large
 - 1 each from 6 Trustee Districts defined in 115D-62 (6 total)
 - Governor's appointments do NOT need approval of the GA
- 8 members elected by the General Assembly
 - 4 from Senate
 - 4 from House
 - 6 year terms ending on June 30 of odd years
 - Vacancies filled when General Assembly next convenes, for remainder of unexpired term only

Limitations on Board Membership

- No more than 2 consecutive terms – elected or appointed.
- No
 - General Assembly members.
 - Officers/employees of the State.
 - Officer/employees of institutions under jurisdiction of State Board of Community Colleges.
 - Spouse of any of the above.
 - Employees of Community College System Office w/in 5 years of employment.

Current Members with Terms Set to Expire June 30, 2017

Elected by Senate:

- Dr. Darrell Saunders (first appointed in 2011)

Elected by House:

- Mrs. Janet K. Lowder (first appointed in 2011)





HOUSE JOINT RESOLUTION 194: SBCC Elections.

2017-2018 General Assembly

Committee:	House Education - Community Colleges	Date:	February 28, 2017
Introduced by:	Reps. Brody, Sauls	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

SUMMARY: *House Joint Resolution 194 would establish Thursday, April 6, 2017 as the date for the House of Representatives and the Senate to elect members to the State Board of Community Colleges (State Board).*

CURRENT LAW: G.S. 115D-2.1(b)(4)(f) sets out the procedure for elections by the Senate and the House of Representatives to the State Board. The procedures include the following requirements:

- The Speaker of the House and the President Pro Tempore must assign to a committee of their respective houses the duty of receiving nominations of persons to be considered for election by that house to the State Board.
- Chairs of the assigned committees must jointly determine a nomination period. Each member may nominate only one candidate. A person may not simultaneously be a candidate in both houses.
- Once the nominating period is closed, the assigned committee must vote on whether each candidate will be listed as a nominee of the committee. Nominations must be screened by the assigned committee as to their qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. At least one candidate must be nominated by the committee for each vacancy; however, if there are sufficient candidates, the committee must nominate at least two persons for each vacancy.
- **The House of Representatives and Senate must fix a common date by joint resolution for election of members to the State Board.** The committee must report its list of nominees at the election session. No additional nominees are allowed from the floor.
- A nominee is chosen when that person receives the votes of a majority of all members present and voting.

BILL ANALYSIS: As required by G.S. 115D-2.1(b)(4)(f), House Joint Resolution 194 would establish Thursday, April 6, 2017, as the date for election of members to the State Board by the House of Representatives and the Senate.

EFFECTIVE DATE: This joint resolution would become effective upon ratification.

BACKGROUND: Twenty-one members serve on the State Board in staggered six-year terms, four of which are elected by the Senate and four of which are elected by the House in a staggered election cycle. In 2017, the House and Senate must each elect one member from the State at-large to six-year terms beginning July 1, 2017. The current member of the State Board elected by the House with an expiring term is Ms. Janet Lowder, first appointed in 2011.





**Procedure for State Board of Community Colleges Member Election by General Assembly
G.S. 115D-2.1(f)**

During long session:

1. **Appointment of Committee:** The Speaker and President Pro Tempore assign to either a standing committee or a special committee the duty to receive nominations for board membership.
2. **Chairmen Determinations:** Chairmen of respective Senate and House committees jointly determine:
 - a. Cut-off date for nominations,
 - and**
 - b. Common date to report names to their respective houses.
3. **Nomination Limits:** One nominee allowed per member.
4. **Committee Duties:** Committee should screen nominees for:
 - a. Qualifications,
 - b. Background,
 - c. Lack of statutory disabilities, and
 - d. Willingness and ability to serve if elected.
5. **Committee Selection of Nominees:** Committee will vote as follows:
 - a. List all candidates.
 - b. Separately vote aye/no on whether each candidate should be listed by the committee – verbal vote of majority will be one nominee of committee.
 - c. Same individual cannot be nominated for more than one slot.
 - d. If sufficient number of nominees were submitted to committee, then minimum of two nominees must be submitted to chamber. If not, at least one nominee must be sent to the chamber.
 - e. Same person cannot be nominated in both houses – must choose which they want to pursue election in and notify chairman of both committees.
6. **Joint Resolution:** Joint resolution must be introduced fixing a common date for election.
(Note: Past practice has been for introduction of the joint resolution to alternate between the House and Senate chambers in alternating bienna, with the chamber that is not introducing the budget introducing the joint resolution for SBCC elections. The chambers must elect nominees at the same time, but **do not meet in a joint session.**)
7. **Election of Members:** At election session:
 - a. Committee reports nominees and term of office for each position.
 - b. House ballot must include names of all other persons nominated by member of the House who committee determined were qualified for the office – list of nominees must be clearly set out on the ballot.
 - c. Additional nominations may not be received on the floor.
 - d. To be elected, nominee must receive majority of all members present and voting.
 - e. When each house has chosen 1 person for each slot to be filled, the chairman of the committee must make a motion for simultaneous election of the persons to the position for the indicated terms.
 - i. Vote called electronically
 - ii. Election by majority of those voting
 - iii. Each house may adopt rules consistent with statute to conduct these elections.



	Board of Governors	State Board of Community Colleges	State Board of Education
Relevant Statutes	G.S. 116-6	G.S. 115D-2.1	G.S. 115C-10
Role of General Assembly	Elect	Elect	Confirm
Role of State Ethics Commission	7 day review of nominee's Statement of Economic Interest	7 day review of nominee's Statement of Economic Interest	N/A (Governor's responsibility)
Chamber Coordination Required	N/A	Common date of election	Elect as one joint body
Term Expiration Date	June 30	June 30	March 31
Term Length	4 years	6 years	8 years
Statutory Deadlines	Elections within 30 legislative days of appointments to education committees	N/A	Governor submits appointments by 60th legislative day
Type of Session Required	Regular	Regular	Joint
Type of Resolutions Required	Simple resolution	Joint resolution for date	<ul style="list-style-type: none"> • Joint resolution for date • Joint resolution for confirmation
Committee Meetings	<ul style="list-style-type: none"> • Hear individual resolution on election procedures and date • Decide on slate of nominees 	<ul style="list-style-type: none"> • Hear joint resolution (H/S) • Decide on nominees (H/S) 	<ul style="list-style-type: none"> • Hear joint resolution for date (H/S) • Hear joint resolution for confirmation (H) • Non-introducing body discusses nominees (optional)
Floor Voting Procedure	<ul style="list-style-type: none"> • Mark paper ballot • Count votes • Motion to elect nominees • Electronic vote • Voice vote 	<ul style="list-style-type: none"> • Mark paper ballot • Count votes • Motion to elect nominees • Electronic vote • Voice vote 	<ul style="list-style-type: none"> • Electronic vote/Roll call • Voice vote



- 1) Typically the chambers rotate each biennium as to who introduces the joint resolution. The chamber not starting the budget has introduced the resolution in the past. Would you like that to continue and have the House introduce the joint resolution?
- 2) Will this timeline work for you?
- 3) Do you have any other questions about the process?

Regards,

Brian

Brian Gwyn
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE JOINT RESOLUTION DRHJR10078-BE-4 (02/20)

Sponsors: Representatives Brody and Sauls (Primary Sponsors).

Referred to:

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

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

5 **SECTION 1.** Pursuant to G.S. 115D-2.1(b)(4)f., the House of Representatives and the
6 Senate shall elect members to the State Board of Community Colleges during the regular sessions
7 of the two chambers to be held on Thursday, April 6, 2017. At that time, the House of
8 Representatives shall elect one member to the State Board for a term of six years beginning July 1,
9 2017. The Senate also shall elect one member to the State Board for a term of six years beginning
10 July 1, 2017.

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

13 **SECTION 3.** This resolution is effective upon ratification.







NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 12

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

H12-ATC-10 [v.1]

Page 1 of 1

Amends Title [NO]
H12-CSTC-2

Date _____, 2017

Representative Potts

- 1 moves to amend the bill on page 4, line 39, by inserting the phrase "Davidson Community
2 College," immediately prior to the phrase "Gaston College".

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* H 1 2 - A T C - 1 0 - V - 1 *





HOUSE BILL 12: Community College Boards of Trustees.

2017-2018 General Assembly

Committee: House Education - Community Colleges
Introduced by: Reps. Burr, Iler, J. Bell
Analysis of: PCS to First Edition
H12-CSTC-2

Date: February 28, 2017
Prepared by: Kara McCraw
Staff Attorney

OVERVIEW: HB 12 would change the appointing entity for four members of the board of trustees of Stanly Community College from the Governor to the General Assembly.

The PCS for HB 12 would also make the following changes:

- Change the appointing entity for four members of the board of trustees of Cleveland Community College from the board of education to the county commissioners, and the appointing entity for four members from the Governor to the General Assembly.
- Change the appointing entity for four members of the boards of trustees of the following community colleges from the Governor to the General Assembly: Brunswick, Craven, Gaston, James Sprunt, Lenoir, and Rowan-Cabarrus.

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. Of the remaining twelve members, they are appointed in groups of four 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.
- 2) The board(s) of commissioners of the county or counties in the administrative area of the institution.
- 3) The Governor.

S.L. 2011-175 created a local modification for Stanly Community College that eliminates appointments by the board of education and provides for eight members to be appointed by the county commissioners.

BILL ANALYSIS:

Changes in Appointments: The PCS for HB 12 would change the appointments for the following local boards of trustees of community colleges as follows:

- Require the General Assembly, rather than the Governor, to appoint four members of the board of trustees.
 - In 2017 and 2019, and every four years thereafter, the appointments would be made by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



House PCS 12

Page 2

- In 2018 and 2020, and every four years thereafter, the appointments would be made by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
 - This requirement would apply to Stanly, Cleveland, Brunswick, Craven, Gaston, James Sprunt, Lenoir, and Rowan-Cabarrus Community Colleges.
- Require the county commissioners, rather than the board of education, to appoint an additional four members to the board of trustees. This requirement would apply to Cleveland Community College.

Current Membership: Current members serving on the boards of trustees would serve the remainder of their terms, with appointments made under the amended statute as terms expire or vacancies occur. Vacancies occurring in seats appointed by the Governor would be filled on the joint recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

EFFECTIVE DATE: HB 12 would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 12
PROPOSED COMMITTEE SUBSTITUTE H12-CSTC-2 [v.4]

02/27/2017 06:07:41 PM

Short Title: Community College Boards of Trustees.

(Local)

Sponsors:

Referred to:

January 26, 2017

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE APPOINTMENT METHODS OF CERTAIN COMMUNITY
COLLEGE BOARDS OF TRUSTEES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 115D-12, as amended by S.L. 2011-175, 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 — ~~eight~~ trustees, elected by the board of commissioners of the county in which 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 One 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 Two — four trustees, appointed by the ~~Governor~~ General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. The Speaker of the House of Representatives shall make recommendations for terms expiring in 2017 and 2019, and every four years thereafter. The President Pro Tempore of the Senate shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

Group 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 ~~G.S. 115D~~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 ~~G.S. 115D-12(a), subsection (a) of this section,~~ Group Three.



* H 1 2 - C S T C - 2 *



(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122. Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term."

SECTION 1.(b) Notwithstanding G.S. 115D-12, as amended by this act, the current members serving on the Stanly Community College board of trustees 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, the board of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore as provided in G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

SECTION 1.(c) This section applies only to Stanly Community College.

SECTION 2.(a) 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 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 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~~General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. The Speaker of the House of Representatives shall make recommendations



1 for terms expiring in 2017 and 2019, and every four years thereafter. The President Pro Tempore
2 of the Senate shall make recommendations for appointments to terms expiring in 2018 and 2020,
3 and every four years thereafter.

4 Group ~~Four~~ Three – the president of the student government or the chairman of the executive
5 board of the student body of each community college established pursuant to this Chapter shall be
6 an ex officio nonvoting member of the board of trustees of each said institution.

7 (b) All trustees shall be residents of the administrative area of the institution for which
8 they are selected or of counties contiguous thereto with the exception of members provided for in
9 subsection (a) of this section, Group ~~Four~~ Three.

10 (b1) No person who has been employed full time by the community college within the prior
11 5 years and no spouse or child of a person currently employed full time by the community college
12 shall serve on the board of trustees of that college.

13 (c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122.
14 Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the
15 unexpired term by the agency or agencies authorized to select trustees of that group and in the
16 manner in which regular selections are made. Should the selection of a trustee not be made by the
17 agency or agencies having the authority to do so within 60 days after the date on which a vacancy
18 occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill
19 the vacancy by appointment for the remainder of the unexpired term."

20 **SECTION 2.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current
21 members serving on the Cleveland Community College board of trustees as of the effective date of
22 this act shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy
23 occurs prior to the expiration of a term, the board of trustees members shall be appointed in
24 accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat
25 that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the
26 Speaker of the House of Representatives and the President Pro Tempore as provided in
27 G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with
28 G.S. 115D-12.

29 **SECTION 2.(c)** This section applies only to Cleveland Community College.

30 **SECTION 3.(a)** G.S. 115D-12 reads as rewritten:

31 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

32 (a) Each community college established or operated pursuant to this Chapter shall be
33 governed by a board of trustees consisting of 13 members, or of additional members if selected
34 according to the special procedure prescribed by the third paragraph of this subsection, who shall
35 be selected by the following agencies. No member of the General Assembly may be appointed to a
36 local board of trustees for a community college.

37 Group One – four trustees, elected by the board of education of the public school
38 administrative unit located in the administrative area of the institution. If there are two or more
39 public school administrative units, whether city or county units, or both, located within the
40 administrative area, the trustees shall be elected jointly by all of the boards of education of those
41 units, each board having one vote in the election of each trustee, except as provided in G.S.
42 115D-59. No board of education shall elect a member of the board of education or any person
43 employed by the board of education to serve as a trustee, however, any such person currently
44 serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's
45 current term.

46 Group Two – four trustees, elected by the board of commissioners of the county in which the
47 institution is located. Provided, however, if the administrative area of the institution is composed
48 of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all
49 those counties, each board having one vote in the election of each trustee. Provided, also, the
50 county commissioners of the county in which the community college has established a satellite
51 campus may elect an additional two members if the board of trustees of the community college



1 agrees. No more than one trustee from Group Two may be a member of a board of county
2 commissioners. Should the boards of education or the boards of commissioners involved be
3 unable to agree on one or more trustees the senior resident superior court judge in the superior
4 court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill
5 the position or positions by appointment.

6 Group Three – four trustees, appointed by the ~~Governor~~ General Assembly under G.S. 120-
7 121, two of whom shall be appointed upon recommendation of the Speaker of the House of
8 Representatives and two of whom shall be appointed upon recommendation of the President Pro
9 Tempore of the Senate. The Speaker of the House of Representatives shall make recommendations
10 for terms expiring in 2017 and 2019, and every four years thereafter. The President Pro Tempore
11 of the Senate shall make recommendations for appointments to terms expiring in 2018 and 2020,
12 and every four years thereafter.

13 Group Four – the president of the student government or the chairman of the executive board
14 of the student body of each community college established pursuant to this Chapter shall be an ex
15 officio nonvoting member of the board of trustees of each said institution.

16 (b) All trustees shall be residents of the administrative area of the institution for which
17 they are selected or of counties contiguous thereto with the exception of members provided for in
18 subsection (a) of this section, Group Four.

19 (b1) No person who has been employed full time by the community college within the prior
20 5 years and no spouse or child of a person currently employed full time by the community college
21 shall serve on the board of trustees of that college.

22 (c) Vacancies occurring in Group Three shall be filled as provided in G.S. 120-122.
23 Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the
24 unexpired term by the agency or agencies authorized to select trustees of that group and in the
25 manner in which regular selections are made. Should the selection of a trustee not be made by the
26 agency or agencies having the authority to do so within 60 days after the date on which a vacancy
27 occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill
28 the vacancy by appointment for the remainder of the unexpired term."

29 **SECTION 3.(b)** Notwithstanding G.S. 115D-12, as amended by this act, the current
30 members serving on the board of trustees of any community college identified in subsection (c) of
31 this section as of the effective date of this act shall serve the remainder of their terms. Thereafter,
32 as terms expire, or when a vacancy occurs prior to the expiration of a term, the board of trustees
33 members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a
34 vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy shall be
35 filled by joint recommendation of the Speaker of the House of Representatives and the President
36 Pro Tempore as provided in G.S. 120-121. Upon expiration of that term, the member shall be
37 appointed in accordance with G.S. 115D-12.

38 **SECTION 3.(c)** This section applies only to Brunswick Community College, Craven
39 Community College, Gaston College, James Sprunt Community College, Lenoir Community
40 College, and Rowan-Cabarrus Community College.

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



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 12

Short Title: Stanly CC/Bd. of Trustees.

(Local)

Sponsors: Representatives Burr, Iler, and J. Bell (Primary Sponsors).

Referred to: Education - Community Colleges

January 26, 2017

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE APPOINTMENT METHOD OF THE STANLY COMMUNITY
COLLEGE BOARD OF TRUSTEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-12, as amended by S.L. 2011-175, 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 — ~~eight~~ trustees, elected by the board of commissioners of the county in which 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 One 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 Two — four trustees, appointed by the ~~Governor~~ General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. The Speaker of the House of Representatives shall make recommendations for terms expiring in 2017 and 2019, and every four years thereafter. The President Pro Tempore of the Senate shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

Group 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 ~~G.S. 115D~~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 ~~G.S. 115D-12(a)~~, subsection (a) of this section, Group Three.





1 (b1) No person who has been employed full time by the community college within the prior
2 5 years and no spouse or child of a person currently employed full time by the community college
3 shall serve on the board of trustees of that college.

4 (c) Vacancies occurring in ~~any group~~ Group One for whatever reason shall be filled for the
5 remainder of the unexpired term by the agency or agencies authorized to select trustees of that
6 group and in the manner in which regular selections are made. Should the selection of a Group
7 One trustee not be made by the agency or agencies having the authority to do so within 60 days
8 after the date on which a vacancy occurs, whether by creation or expiration of a term or for any
9 other reason, the Governor shall fill the vacancy by appointment for the remainder of the
10 unexpired term. Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122."

11 **SECTION 2.** Notwithstanding G.S. 115D-12, as amended by this act, the current
12 members serving on the Stanly Community College board of trustees as of the effective date of
13 this act shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy
14 occurs prior to the expiration of a term, the board of trustees members shall be appointed in
15 accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat
16 that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the
17 Speaker of the House of Representatives and the President Pro Tempore as provided in
18 G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with
19 G.S. 115D-12.

20 **SECTION 3.** This act applies only to Stanly Community College.

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





HOUSE BILL 14: Community College Boards of Trustees.

2017-2018 General Assembly

Committee:	House Education - Community Colleges	Date:	February 28, 2017
Introduced by:	Reps. Burr, Iler, J. Bell	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition H14-CSTC-3		Staff Attorney

OVERVIEW: *HB 14 would change the appointing entity for four members of the board of trustees of Montgomery Community College from the Governor to the General Assembly.*

The PCS for HB 14 would make the same change for the following community colleges: Cape Fear Community College, Isothermal Community College, Nash Community College, and Wayne Community College.

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. Of the remaining twelve members, they are appointed in groups of four 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.
- 2) The board(s) of commissioners of the county or counties in the administrative area of the institution.
- 3) The Governor.

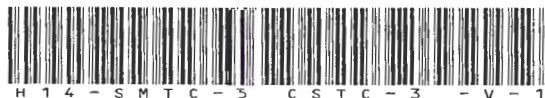
S.L. 2015-245 created a local modification for Isothermal Community College that eliminates appointments by the board of education and provides for ten members, including 4 members with experience in certain areas, to be appointed by the county commissioners – 7 appointments by the Rutherford County Commissioners and 3 members appointed by the Polk County Commissioners.

BILL ANALYSIS:

Changes in Appointments: The PCS for HB 14 would change the appointments for the following local boards of trustees of community colleges as follows:

- Require the General Assembly, rather than the Governor, to appoint four members of the board of trustees.
 - In 2017 and 2019, and every four years thereafter, the appointments would be made by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
 - In 2018 and 2020, and every four years thereafter, the appointments would be made by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



House PCS 14

Page 2

- This requirement would apply to Cape Fear Community College, Isothermal Community College, Montgomery Community College, Nash Community College, and Wayne Community College.

Current Membership: Current members serving on the boards of trustees would serve the remainder of their terms, with appointments made under the amended statute as terms expire or vacancies occur. Vacancies occurring in seats appointed by the Governor would be filled on the joint recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

EFFECTIVE DATE: HB 14 would become effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 14
PROPOSED COMMITTEE SUBSTITUTE H14-CSTC-3 [v.4]

02/27/2017 06:09:09 PM

Short Title: Community College Boards of Trustees.

(Local)

Sponsors:

Referred to:

January 26, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE APPOINTMENT METHODS OF CERTAIN COMMUNITY
3 COLLEGE BOARDS OF TRUSTEES.
4 The General Assembly of North Carolina enacts:
5 SECTION 1.(a) G.S. 115D-12 reads as rewritten:
6 "§ 115D-12. Each institution to have board of trustees; selection of trustees.
7 (a) Each community college established or operated pursuant to this Chapter shall be
8 governed by a board of trustees consisting of 13 members, or of additional members if selected
9 according to the special procedure prescribed by the third paragraph of this subsection, who shall
10 be selected by the following agencies. No member of the General Assembly may be appointed to a
11 local board of trustees for a community college.
12 Group One – four trustees, elected by the board of education of the public school
13 administrative unit located in the administrative area of the institution. If there are two or more
14 public school administrative units, whether city or county units, or both, located within the
15 administrative area, the trustees shall be elected jointly by all of the boards of education of those
16 units, each board having one vote in the election of each trustee, except as provided in
17 G.S. 115D-59. No board of education shall elect a member of the board of education or any person
18 employed by the board of education to serve as a trustee, however, any such person currently
19 serving on a board of trustees shall be permitted to fulfill the unexpired portion of the trustee's
20 current term.
21 Group Two – four trustees, elected by the board of commissioners of the county in which the
22 institution is located. Provided, however, if the administrative area of the institution is composed
23 of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all
24 those counties, each board having one vote in the election of each trustee. Provided, also, the
25 county commissioners of the county in which the community college has established a satellite
26 campus may elect an additional two members if the board of trustees of the community college
27 agrees. No more than one trustee from Group Two may be a member of a board of county
28 commissioners. Should the boards of education or the boards of commissioners involved be
29 unable to agree on one or more trustees the senior resident superior court judge in the superior
30 court district or set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill
31 the position or positions by appointment.
32 Group Three – four trustees, appointed by the ~~Governor~~ General Assembly under
33 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House
34 of Representatives and two of whom shall be appointed upon recommendation of the President
35 Pro Tempore of the Senate. The President Pro Tempore of the Senate shall make
36 recommendations for appointments to terms expiring in 2017 and 2019, and every four years



* H 1 4 - C S T C - 3 *



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 14

Short Title: Montgomery CC/Bd. of Trustees.

(Local)

Sponsors: Representatives Burr, Iler, and J. Bell (Primary Sponsors).

Referred to: Education - Community Colleges

January 26, 2017

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE APPOINTMENT METHOD OF THE MONTGOMERY
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 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 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 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~~ General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. The President Pro Tempore of the Senate shall make recommendations for terms expiring in 2017 and 2019, and every four years thereafter. The





1 Speaker of the House of Representatives shall make recommendations for appointments to terms
2 expiring in 2018 and 2020, and every four years thereafter.

3 Group Four – the president of the student government or the chairman of the executive board
4 of the student body of each community college established pursuant to this Chapter shall be an ex
5 officio nonvoting member of the board of trustees of each said institution.

6 (b) All trustees shall be residents of the administrative area of the institution for which
7 they are selected or of counties contiguous thereto with the exception of members provided for in
8 subsection (a) of this section, Group Four.

9 (b1) No person who has been employed full time by the community college within the prior
10 5 years and no spouse or child of a person currently employed full time by the community college
11 shall serve on the board of trustees of that college.

12 (c) Vacancies occurring in ~~any group~~ Groups One and Two for whatever reason shall be
13 filled for the remainder of the unexpired term by the agency or agencies authorized to select
14 trustees of that group and in the manner in which regular selections are made. Should the selection
15 of a Group One or Two trustee not be made by the agency or agencies having the authority to do
16 so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a
17 term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder
18 of the unexpired term. Vacancies occurring in Group Three shall be filled as provided in
19 G.S. 120-122."

20 **SECTION 2.** Notwithstanding G.S. 115D-12, as amended by this act, the current
21 members serving on the Montgomery Community College board of trustees as of the effective
22 date of this act shall serve the remainder of their terms. Thereafter, as terms expire, or when a
23 vacancy occurs prior to the expiration of a term, the board of trustees members shall be appointed
24 in accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Three
25 seat that was appointed by the Governor, the vacancy shall be filled by joint recommendation of
26 the Speaker of the House of Representatives and the President Pro Tempore of the Senate as
27 provided in G.S. 120-121. Upon expiration of that term, the member shall be appointed in
28 accordance with G.S. 115D-12.

29 **SECTION 3.** This act applies only to Montgomery Community College.

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



thereafter. The Speaker of the House of Representatives shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

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.

(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.

(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in Group Three shall be filled as provided in G.S. 120-122. Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term."

SECTION 1.(b) Notwithstanding G.S. 115D-12, as amended by this act, the current members serving on the board of trustees of the community colleges identified in Section 3 of this act 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, the board of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate as provided in G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

SECTION 1.(c) This act applies only to Cape Fear Community College, Montgomery Community College, Nash Community College, and Wayne Community College.

SECTION 2.(a) G.S. 115D-12, as amended by S.L. 2015-243, reads as rewritten:

SECTION 1. G.S. 115D-12(a) 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 15 members, 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 ~~Two~~ One – 10 trustees, elected as follows:

(1) Seven members elected by the Rutherford County Commissioners as follows:

- a. The appointment of two trustees for terms commencing July 1, 2016, and quadrennially thereafter.
- b. The appointment of two trustees for terms commencing July 1, 2017, and quadrennially thereafter.
- c. The appointment of one trustee for a term commencing July 1, 2018, and quadrennially thereafter.
- d. The appointment of two trustees for a term commencing July 1, 2019, and quadrennially thereafter.

The Rutherford County Commissioners shall ensure that among the members elected, at least one trustee has experience in a small business, one trustee has private sector experience in accounting or budgeting, and one trustee has private sector experience in building maintenance or equipment.

(2) Three members elected by the Polk County Commissioners, as follows:



thereafter. The Speaker of the House of Representatives shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

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.

(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.

(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in Group Three shall be filled as provided in G.S. 120-122. Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term."

SECTION 1.(b) Notwithstanding G.S. 115D-12, as amended by subsection (a) of this section, the current members serving on the board of trustees of the community colleges identified in Section 3 of this act 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, the board of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by subsection (a) of this section. If a vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate as provided in G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

SECTION 1.(c) This section applies only to Cape Fear Community College, Montgomery Community College, Nash Community College, and Wayne Community College.

SECTION 2.(a) G.S. 115D-12, as amended by S.L. 2015-243, 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 15 members, 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 ~~Two~~ One – 10 trustees, elected as follows:

(1) Seven members elected by the Rutherford County Commissioners as follows:

- a. The appointment of two trustees for terms commencing July 1, 2016, and quadrennially thereafter.
- b. The appointment of two trustees for terms commencing July 1, 2017, and quadrennially thereafter.
- c. The appointment of one trustee for a term commencing July 1, 2018, and quadrennially thereafter.
- d. The appointment of two trustees for a term commencing July 1, 2019, and quadrennially thereafter.

The Rutherford County Commissioners shall ensure that among the members elected, at least one trustee has experience in a small business, one trustee has private sector experience in accounting or budgeting, and one trustee has private sector experience in building maintenance or equipment.

(2) Three members elected by the Polk County Commissioners, as follows:



- a. The appointment of one trustee for a term commencing July 1, 2017, and quadrennially thereafter.
- b. The appointment of one trustee for a term commencing July 1, 2018, and quadrennially thereafter.
- c. The appointment of one trustee for a term commencing July 1, 2019, and quadrennially thereafter.

The Polk County Commissioners shall ensure that among the members elected, at least one trustee has experience in a small business.

No more than one trustee from Group ~~Two~~One may be a member of a board of county commissioners. Should 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~~Two – four trustees, appointed by the ~~Governor~~General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. The President Pro Tempore of the Senate shall make recommendations for appointments to terms expiring in 2017 and 2019, and every four years thereafter. The Speaker of the House of Representatives shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

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.

(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122. Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term."

SECTION 2.(b) Notwithstanding G.S. 115D-12, as amended by this act, the current members serving on the board of trustees of the Isothermal Community College 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, the board of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by this act. If a vacancy occurs in a Group Two seat that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate as provided in G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

SECTION 2.(c) This act applies only to Isothermal Community College.

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



- a. The appointment of one trustee for a term commencing July 1, 2017, and quadrennially thereafter.
- b. The appointment of one trustee for a term commencing July 1, 2018, and quadrennially thereafter.
- c. The appointment of one trustee for a term commencing July 1, 2019, and quadrennially thereafter.

The Polk County Commissioners shall ensure that among the members elected, at least one trustee has experience in a small business.

No more than one trustee from Group ~~Two~~One may be a member of a board of county commissioners. Should 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~~Two – four trustees, appointed by the ~~Governor~~General Assembly under G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the House of Representatives and two of whom shall be appointed upon recommendation of the President Pro Tempore of the Senate. The President Pro Tempore of the Senate shall make recommendations for appointments to terms expiring in 2017 and 2019, and every four years thereafter. The Speaker of the House of Representatives shall make recommendations for appointments to terms expiring in 2018 and 2020, and every four years thereafter.

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.

(b1) No person who has been employed full time by the community college within the prior 5 years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college.

(c) Vacancies occurring in Group Two shall be filled as provided in G.S. 120-122. Vacancies occurring in any other group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within 60 days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term."

SECTION 2.(b) Notwithstanding G.S. 115D-12, as amended by subsection (a) of this section, the current members serving on the board of trustees of the Isothermal Community College 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, the board of trustees members shall be appointed in accordance with G.S. 115D-12, as amended by subsection (a) of this section. If a vacancy occurs in a Group Two seat that was appointed by the Governor, the vacancy shall be filled by joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate as provided in G.S. 120-121. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115D-12.

SECTION 2.(c) This section applies only to Isothermal Community College.

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



VISITOR REGISTRATION SHEET

House Comm. on Ed. Comm. College

02/28/17

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Neva Helms	Rep. Brody LA
Ed Stiles	Rep. Clumpitt LA
Donna	UNCDG
Breeden Blackwell	SBCC
Jennifer Haygood	SVCCCS
Julie Usella	Speaker's office
Donna	SEANC
Chris Broughton	MWC
MINDY CUR	SELF
Tamara Wright	Self
Tanya Homan	TSS



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Tuesday, March 21, 2017
TIME: 1:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Co Chair Representative Brody Presiding

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 247	Limit Soldiers' Community College Tuition.	Representative Hanes Representative Horn Representative Floyd
HB 316	Catawba Valley CC/Manufacturing Center.	Representative Blackwell Representative Adams Representative Torbett

Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 1:09 PM on Wednesday, March 15, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Karen Rosser (Committee Assistant)



House Committee on Education - Community Colleges
Tuesday, March 21, 2017, 1:00 PM
1228/1327 Legislative Building

AGENDA

OPENING REMARKS Representative Brody

Introduction of Sergeant-at-Arms and Pages

BILLS

BILL NO.	SHORT TITLE	SPONSOR
HB 247	Limit Soldiers' Community College Tuition.	Representative Hanes Representative Horn Representative Floyd Representative Blackwell
HB 316	Catawba Valley CC/Manufacturing Center.	Representative Adams Representative Torbett

OTHER BUSINESS

ADJOURNMENT



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Tuesday, March 21, 2017

TIME: 1:00 PM

LOCATION: 1228/1327 LB

COMMENTS: The Speaker has given the committee permission to continue with this planned meeting even though there is a no-vote session at the same time, 1pm. Votes will be taken on both of the bills in committee today.

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 247	Limit Soldiers' Community College Tuition.	Representative Hanes Representative Horn Representative Floyd Representative Blackwell
HB 316	Catawba Valley CC/Manufacturing Center.	Representative Adams Representative Torbett

Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:13 AM on Tuesday, March 21, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Laura Bone (Committee Assistant)



House Committee on Education – Community Colleges

Tuesday, March 21, 2017 1 pm

Room 1228/1327 LB

The House Committee on Community Colleges met on Tuesday, March 21, 2017 at 1 pm in Room 1228/1327 of the Legislative Building. Representatives Brody, Sauls, Ford, Holley, Alexander, Black, Clampitt, Garrison, Potts, Turner, Watford, Williams and Zachary were in attendance.

Representative Brody presided over the meeting and called it to order at 1pm. He introduced the Pages and the Sergeant at Arms. Two bills were considered.

The first bill considered was **HB 316**, titled Catawba Valley CC/Manufacturing Center sponsored by Representative Adams and Torbett. Representative Adams was called to explain the bill and spoke of the bill's purpose -to codify the center, to hire an executive director, authorize the Center to retain the fees charged for services, and exempt purchases made by the Center using receipt funds.

The Director, Dan St. Lewis was called on to speak on the purpose of the center and described the facility as an incubator for research and development/training and prototyping for ideas.

Discussion followed. Representatives Watford and Holley expressed concern that the bidding process for procurement allows exemption from the State process of P and C. . Paul Fogleman who represents the Textile Manufacturers group explained the process is identical to the existing process. Mary Schuping, Governmental Affairs with Community College clarified and further explained the process exists now, but it needs codifying for the future. Bryan Gwyn clarified the P&C exemption only is relevant for self generating income from the Center, not moneys from the GA. 70% of the Center is self-funded due to collection of fees. Rep Garrison posed the question regarding the number of campuses that follow this pattern. Mary Shuping summarized that only 2 function this way. Gaston College has a program that is identical

Representative Clampitt motioned to move forward with a favorable report for the bill. The motion passed with only one dissenting vote from Representative Holley.

HB 247 titled Limit Soldiers' Community College Tuition was the next bill discussed. Representative Hanes was called on to explain the purpose. . The bill waives the differential cost between the non-resident fees and the cost of tuition assistance available from Department of Defense for active duty members of Armed Forces **who had already been enrolled in** a degree or other program at a Community College at the time of deployment if the service person re-enrolled in the same program within 18 months of deployment or reassignment. The fiscal note was presented by the Research staff.

Representative Potts questioned whether a service person could stay in the process for an unlimited time due to the continuous movement of the armed service member. Mary Shuping, Governmental Affairs Director with Community Colleges was called upon to address this issue and responded that it was very unlikely this abuse would be problematic. Representative Black questioned where the

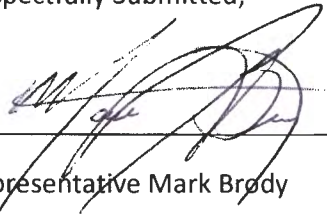


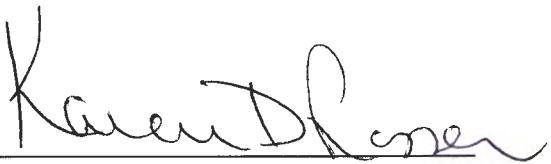
money differential would come. Mary Shuping rose to declare the Community College would

absorb this cost. After some clarification by research, Representative Watford made a motion to move for a favorable report for HB 247. With all votes in the affirmative, the motion carried.

With no further business before the Committee, Representative Sauls made a motion to adjourn and the motion passed unanimously. The meeting adjourned at 1:40pm.

Respectfully Submitted,



Representative Mark Brody

Karen Rosser, Committee Clerk



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT

Representative Mark Brody, Co-Chair

Representative John Sauls, Co-Chair

FAVORABLE AND RE-REFERRED

HB 247

Limit Soldiers' Community College Tuition.

Draft Number: None

Serial Referral: **APPROPRIATIONS**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Hanes

HB 316

Catawba Valley CC/Manufacturing Center.

Draft Number: None

Serial Referral: **APPROPRIATIONS**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Adams

TOTAL REPORTED: 2



* C M R 8 9 - V - 1 *





FULL SITE SEARCH:	type search criteria	Go
SEARCH BILL TEXT:	2017-2018 Session <input type="text"/> type search criteria	Go
FIND A BILL:	2017-2018 Session <input type="text"/> enter bill # (e.g., S253)	Go
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VISIT INSIDE INFO

<< H246

House Bill 247

H248 >>

Limit Soldiers' Community College Tuition. 2017-2018 Session

View Bill Digest	
View Available Bill Summaries	
Bill Text	Fiscal Note
Filed [HTML]	
Edition 1 [HTML]	

Last Action:	Serial Referral To Appropriations Added on 03/15/2017
Sponsors:	Hanes; Horn; Floyd; Blackwell; (Primary) Adams; Ager; Belk; Boswell; Brockman; Butler; Carney; Cleveland; Dulin; Faircloth; Fisher; C. Graham; G. Graham; Grange; Harrison; Henson; Holley; Hurley; Iler; Jackson; Bert Jones; Lucas; S. Martin; Quick; Reives; B. Richardson; W. Richardson; Szoka; Terry; Willingham;
Attributes:	Public;
Counties:	No counties specifically cited
Statutes:	116 (Chapter); 116-143.3 (Section)
Keywords:	ARMED FORCES, COLLEGES & UNIVERSITIES, COMMUNITY COLLEGES, EDUCATION, HIGHER EDUCATION, PERSONNEL, PUBLIC, TUITION

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History				
Date	Chamber	Action	Documents	Vote
03/02/2017	House	Filed	DRH40143-MK-83	
03/06/2017	House	Passed 1st Reading		
03/06/2017	House	Ref To Com On Education - Community Colleges		
03/15/2017	House	Serial Referral To Appropriations Added		

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

2017-2018 Session

Bill Number: enter bill # (i.e., S253) [Look-Up](#)



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House Education – Community Colleges

Notes for Agenda Items

March 21, 2017, 1:00 P.M.

Rep. Brody, Chair

HB 247 Limit Soldiers' Community College Tuition.

Representatives Hanes, Horn, Floyd, Blackwell

- Drupti is handling this bill.
- There is a serial referral to Appropriations.

If there are no amendments to the Bill,
THE MOTION SHOULD BE: THE REPRESENTATIVE MOVES FOR A FAVORABLE REPORT.

If there are amendments that pass,
THE MOTION (IF FAVORABLE) SHOULD BE: FAVORABLE 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.

HB 316 Catawba Valley Community College/Manufacturing Center.

Representatives Adams, Torbett

- Brian is handling this bill.
- There is a serial referral to Appropriations.

If there are no amendments to the Bill,
THE MOTION SHOULD BE: THE REPRESENTATIVE MOVES FOR A FAVORABLE REPORT.

If there are amendments that pass,
THE MOTION (IF FAVORABLE) SHOULD BE: FAVORABLE 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.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 247

Short Title: Limit Soldiers' Community College Tuition. (Public)

Sponsors: Representatives Hanes, Horn, Floyd, and Blackwell (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges

March 6, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT COMMUNITY COLLEGE TUITION FOR REENROLLING ACTIVE
3 DUTY SERVICE MEMBERS SO THAT THE MAXIMUM RATE SHALL NOT EXCEED
4 AVAILABLE FEDERAL TUITION ASSISTANCE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 116-143.3 is amended by adding a new subsection to read:

7 "(b3) Notwithstanding G.S. 115D-5(b), if the amount of the out-of-state tuition rate for a
8 community college exceeds the amount of tuition assistance available from the federal
9 government, as set forth in the U.S. Department of Defense Directive, 1322.08E, promulgated
10 pursuant to 10 U.S.C. §§ 2005 and 2007, for active duty members of the Armed Forces, the
11 amount by which the out-of-state tuition rate exceeds the amount of the federal tuition assistance
12 available to the institution or active duty member of the Armed Forces shall be waived, provided
13 all of the following conditions are met:

- 14 (1) The active duty member of the Armed Forces was enrolled in a degree or other
15 program at a North Carolina community college and charged the in-State tuition
16 rate at the time of deployment or reassignment.
17 (2) The active duty member of the Armed Forces was not able to remain
18 continuously enrolled in the degree or other program at the North Carolina
19 community college due to deployment or reassignment.
20 (3) The active duty member of the Armed Forces reenrolls in the degree or other
21 program at the North Carolina community college in which the member was
22 enrolled at the time the member was deployed or reassigned within 18 months
23 of deployment or reassignment.
24 (4) The active duty member of the Armed Forces does not otherwise qualify for the
25 in-State tuition rate.

26 The amount of tuition charged to an active duty member of the Armed Forces eligible to
27 receive this waiver shall not be lower than the in-State tuition rate."

28 SECTION 2. This act becomes effective July 1, 2017, and applies beginning with the
29 2017-2018 academic year.





GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Legislative Fiscal Note

BILL NUMBER: House Bill 247 (First Edition)

SHORT TITLE: Limit Soldiers' Community College Tuition.

SPONSOR(S): Representatives Hanes, Horn, Floyd, and Blackwell

FISCAL IMPACT					
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Estimate Available		
State Impact					
	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund Revenues:	(\$313,362) to NA	(\$313,362) to NA	(\$313,362) to NA	(\$313,362) to NA	(\$313,362) to NA
General Fund Expenditures:	to	to	to	to	to
Special Fund Revenues:	to	to	to	to	to
Special Fund Expenditures:	to	to	to	to	to
State Positions:	to	to	to	to	to
NET STATE IMPACT	(\$313,362) to NA	(\$313,362) to NA	(\$313,362) to NA	(\$313,362) to NA	(\$313,362) to NA
Local Impact					
Revenues:	to	to	to	to	to
Expenditures:	to	to	to	to	to
NET LOCAL IMPACT	\$0.0 to \$0.0	\$0.0 to \$0.0	\$0.0 to \$0.0	\$0.0 to \$0.0	\$0.0 to \$0.0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: NC Community College System					
EFFECTIVE DATE: July 1, 2017					
TECHNICAL CONSIDERATIONS: None					

BILL SUMMARY:

H247. LIMIT SOLDIERS' COMMUNITY COLLEGE TUITION. (March 2, 2017)

AN ACT TO LIMIT COMMUNITY COLLEGE TUITION FOR REENROLLING ACTIVE DUTY SERVICE MEMBERS SO THAT THE MAXIMUM RATE SHALL NOT EXCEED AVAILABLE FEDERAL TUITION ASSISTANCE.

House Bill 247 waives the cost difference between the nonresident tuition rate at North Carolina community colleges and the amount of tuition assistance available from the Department of Defense for active duty members of the Armed Forces. This waiver would only apply to active duty members of the Armed Forces who previously had been enrolled in a degree or other program at a North Carolina community college at the time of deployment or reassignment and who reenroll in the same program within 18 months of deployment or reassignment.



Under current law, any active duty member of the Armed Forces who qualifies for admission to the University of North Carolina System or the NC Community College System (NCCCS), but who does not qualify as a resident for tuition purposes, is eligible to be charged the resident tuition rate while stationed in North Carolina. If the member is reassigned outside of the State, the member remains eligible for resident tuition as long as the member is continuously enrolled in the degree or other program.

The bill adds a new subsection to G.S. 116-143.3, the statute governing tuition of Armed Forces personnel and their dependents, providing that if the nonresident tuition rate for a community college exceeds the amount of federal tuition assistance available for active duty members of the Armed Forces, the cost difference will be waived if the active duty member:

1. Was enrolled in a degree or other program and receiving resident tuition at the time of deployment or reassignment,
2. Was not able to remain continuously enrolled in the degree or other program at the community college due to deployment or reassignment,
3. Reenrolls in the same degree or other program within 18 months of deployment or reassignment, and
4. Does not otherwise qualify for the resident tuition rate.

The bill also provides that the amount of tuition charged to an active duty member of the Armed Forces eligible to receive this waiver must not be lower than the resident tuition rate.

The bill is effective July 1, 2017, and applies beginning with the 2017-18 academic year.

ASSUMPTIONS AND METHODOLOGY:

Tuition

Currently, the Department of Defense tuition assistance pays up to \$250 per credit hour. The current NC Community College System (NCCCS) nonresident curriculum tuition rate is \$268 per credit hour. Thus, the maximum amount of tuition waived per credit hour is \$18. Should either of these rates change, the fiscal impact of this bill would change as well.

Eligible Population

NCCCS does not track students at the level required in order to precisely capture the population of students eligible to benefit from the tuition waiver in this bill. To approximate that population, NCCCS reported the total number of credit hours taken by nonresident members of the military in distance education courses that require no face-to-face contact. These students were enrolled in 17,409 credit hours in academic year 2015-16.



Cost Estimate

The minimum cost of this bill cannot be known due to the limitations of the data and the unpredictability of individual behavior and is therefore deemed indeterminate.

To estimate the maximum cost of this bill, this analysis assumes that every nonresident military student enrolled in distance education courses in 2015-16 would experience a break in enrollment due to the factors described in the bill. The analysis further assumes that these students would re-enroll in the same number of credit hours at the \$268 per credit hour rate, but instead pay only the \$250 per credit hour rate due to the waiver provided. For each credit hour in which a student would have re-enrolled at the full nonresident tuition rate of \$268 per credit hour, but would now instead pay \$250 per credit hour, the State will lose \$18 in revenue (\$268-\$250).

Therefore, the estimated maximum cost to the State of this bill is \$18 times the expected maximum number of credit hours enrolled (17,409) or \$313,362 in lost General Fund revenue.

The actual population of students who could benefit from this bill will vary from the proxy utilized in this analysis, which is based on potential eligible nonresident students enrolled in 2015-16. Some of these students may not be eligible or may be eligible for a varying amount of credit hours than they took in 2015-16, and some students may be eligible but were not enrolled in 2015-16 and are thus not captured in this estimate.

SOURCES OF DATA: NC Community College System

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY:

Brett Altman

APPROVED BY:

Mark Trogdon, Director
Fiscal Research Division

DATE: March 20, 2017



Signed Copy Located in the NCGA Principal Clerk's Offices





HOUSE BILL 247: Limit Soldiers' Community College Tuition.

2017-2018 General Assembly

Committee:	House Education - Community Colleges. If favorable, re-refer to Appropriations	Date:	March 21, 2017
Introduced by:	Reps. Hanes, Horn, Floyd, Blackwell	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 247 would waive the difference in cost between the out-of-state tuition rate for a community college and the amount of tuition assistance available from the federal government for active duty members of the Armed Forces if certain conditions are met.*

CURRENT LAW: Any active duty member of the Armed Forces who qualifies for admission to constituent institution of The University of North Carolina or a North Carolina community college but does not qualify as a resident for in-State tuition, is eligible to pay in-State tuition while the member is stationed in North Carolina on active military duty. 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.

BILL ANALYSIS: House Bill 247 would provide that if the amount of the out-of-state tuition rate for a community college exceeds the amount of federal tuition assistance for active duty members of the Armed Forces, the cost difference would be waived if all of the following conditions are met:

1. The member was enrolled in a degree or other program at a North Carolina community college and charged the in-State tuition rate at the time of deployment or assignment.
2. The member was not able to remain continuously enrolled in the degree or other program at the North Carolina community college due to deployment or reassignment.
3. The member re-enrolls in the degree or other program at the North Carolina community college in which the member was enrolled at the time the member was deployed or reassigned within 18 months of deployment or reassignment.
4. The member does not otherwise qualify for the in-State tuition rate.

EFFECTIVE DATE: The bill would become effective July 1, 2017 and would apply beginning with the 2017-2018 academic year.

BACKGROUND: Currently the federal tuition assistance through the Department of Defense for active duty members of the Armed Forces is up \$250 per semester credit hour. The current out-of-State tuition cost per credit hour at North Carolina community colleges \$268.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 316*

Short Title: Catawba Valley CC/Manufacturing Center. (Public)

Sponsors: Representatives Adams and Torbett (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges, if favorable, Appropriations

March 13, 2017

A BILL TO BE ENTITLED

AN ACT TO CODIFY THE ESTABLISHMENT OF THE MANUFACTURING SOLUTIONS
CENTER AT CATAWBA VALLEY COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

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

"Article 5B.

"Manufacturing Solutions Center at Catawba Valley Community College.

"§ 115D-67.10. Purpose of the Center.

The purpose of the Manufacturing Solutions Center at Catawba Valley Community College is to create and maintain jobs in North Carolina through support of traditional and emerging industries. The Center's services include training, testing, market development, entrepreneur support, product sourcing, prototyping, applied research, and managing a manufacturing business incubator.

"§ 115D-67.11. Director and other Center personnel.

The president of the Catawba Valley Community College shall appoint an individual to serve as the executive director of the Manufacturing Solutions Center. The executive director shall select other personnel of the Center, subject to the approval by the president of the Catawba Valley Community College. The executive director and other personnel of the Center are employees of Catawba Valley Community College and are subject to the personnel policies of the community college.

"§ 115D-67.12. Fees collected by the Center; use of Center funds.

Notwithstanding any other provision of law, all fees collected by the Manufacturing Solutions Center for services to industry, except for regular curriculum and continuing education tuition receipts, shall be retained by the Center and used for the operations of the Center. Purchases made by the Center using these funds are not subject to the provisions of Article 3 of Chapter 143 of the General Statutes. However, the Center shall (i) notify the Secretary of the Department of Administration or the Secretary's designee of the intent to enter into a contract for supplies, materials, printing, equipment, and contractual services that exceeds one million dollars (\$1,000,000) as provided in G.S. 114-8.3 and (ii) include in all agreements or contracts to be awarded by the Center under this section a standard clause which provides that the State Auditor and internal auditors of the Center may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. The Center shall not award a cost plus percentage of cost agreement or contract for any purpose."

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







HOUSE BILL 316: Catawba Valley CC/Manufacturing Center.

2017-2018 General Assembly

Committee:	House Education - Community Colleges. If	Date:	March 21, 2017
	favorable, re-refer to Appropriations		
Introduced by:	Reps. Adams, Torbett	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 316 would codify the establishment of the Manufacturing Solutions Center at Catawba Valley Community College.*

CURRENT LAW: The Manufacturing Solutions Center ("the Center") is a division of Catawba Valley Community College that provides various industrial services. The Center is not currently codified in statute, but various authorizations and provisions have been included in appropriations bills since 1993.

BILL ANALYSIS: House Bill 316 would codify the establishment of the Manufacturing Solutions Center at Catawba Valley Community College, defining its purpose as to create and maintain jobs in North Carolina through support of traditional and emerging industries. G.S. 115D-67.11 would require the president of the Catawba Valley Community College to appoint the executive director of the Center, who would in turn select remaining personnel, subject to the approval of the president of Catawba Valley Community College.

115D-67.12 would do the following:

- Authorize the Center to retain fees charged for services provided.
- Exempt purchases made by the Center using receipt funds from the provisions of Article 3 of Chapter 143 of the General Statutes.
- Require the Center to:
 - Notify the Secretary of the Department of Administration or the Secretary's designee of the intent to enter into a contract for supplies, materials, printing, equipment, and contractual services that exceeds one million dollars (\$1,000,000) as provided in G.S. 114-8.3; and
 - Include in all agreements or contracts to be awarded by the Center a standard clause which provides that the State Auditor and internal auditors of the Center may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance.
- Prohibit the Center from awarding a cost plus percentage of cost agreement or contract for any purpose.

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

BACKGROUND: The Center began in 1990 as the Hosiery Technology Center as a place to train hosiery workers. The Center gradually expanded its service offerings and changed its name to the Manufacturing Solutions Center in 2009. According to a 2015 report, the Center has a total budget of approximately \$2 million with about \$1.27 million derived from fee revenues.

Sources:

Manufacturing Solutions Center, <http://www.manufacturingsolutionscenter.org/>.

Manufacturing Solutions Center & Textile Technology Center: Report on Revenues & Expenditures (2015)

Karen Cochrane-Brown
Director



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Division
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VISITOR REGISTRATION SHEET

EDUCATION - COMMUNITY COLLEGE

DATE: 3-21-2017

Visitors: Please sign below and return to Committee Clerk

NAME

AGENCY

Michael Haysen

THCG

Paul M. Foglia

HTGAC

Don ST Louis

CVCC

Mary Shuping

NCCCS

Elizabeth L. Green

NCCCS

Neva Helms

Rep. Brody LA

Penny Griffin SOG

Sillian Totman

MWC LLC

Jenna Robinson

Martin Center



VISITOR REGISTRATION SHEET

Education-Community Colleges

Name of Committee

3/21/2017

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Mother Herr

DRNC

Joseph Kiser

flouse SL-AA

Betsy Barlow

CACC



Karen Rosser (Rep. John Sauls)

From: Karen Rosser (Rep. John Sauls)
Sent: Thursday, March 30, 2017 2:00 PM
To: Rep. Gale Adcock
Subject: FW: <NCGA> House Education - Community Colleges Committee Meeting Notice for Tuesday, April 04, 2017 at 1:00 PM
Attachments: Add Meeting to Calendar_LINC_.ics

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Tuesday, April 4, 2017
TIME: 1:00 PM
LOCATION: 1228/1327 LB
COMMENTS: First Order of Business - Presentation of Nominees followed by vote for House Appointment to State Board of Community College by Representative Adcock, Bell, Jones, and Lambeth

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 450	Future Ready Student Act of 2017.	Representative Horn Representative Johnson Representative Dixon Representative Williams
HB 490	Caldwell CC/Bd. of Trustees Appointments.	Representative Destin Hall Representative Jordan



Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 11:30 AM on Thursday, March 30, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Karen Rosser (Committee Assistant)





The House Committee on Community Colleges met on Tuesday, April 4, 2017 at 1 pm in room 1327/1228 of the Legislative Building. Representative Sauls presided over the meeting.

After recognizing the Sergeant at Arms and the Pages, he called the meeting to order. In attendance were Representatives Sauls, Brody, Ford, Holley, Alexander, Black, Clampitt, Terry, L. Johnson, Potts, Turner, and Watford.


Representative Sauls opened the first order of business – nominations for the State Board of Community Colleges. Four House Members presented nominees. First to discuss was Rep Jones with his nominee - Mark Richardson from Rockingham. The 2nd presenter was Rep. Lambeth to put forth his nominee – Burr Sullivan; followed by Rep. Adcock's nominee- Sheila Ogle. Rep. Bell was unavailable to present his nominee, Craig Hagood.

Following the presentations, Representative Sauls called for a vote to confirm each of the 4 names and all 4 nominees were affirmed by the Committee. Representative Clampitt motioned for the committee to send the nominations forward for a vote in the House on Wednesday April 6th at which time, one nominee will be selected from the House to serve on the State Board of Community College Board.


The next order of business was **HB 450**. Chairman Sauls called upon Representative Horn to provide the overview of the Future Ready Student Act of 2017. Representatives Black and Potts asked for clarification and cost factors, and Representative Garrison questioned insurance coverage for students. Representative L. Johnson a co-sponsor, indicated the insurance was worked out by the school system. This program is intended for school children beginning in 6th grade and will function similarly to a CTE program for middle schoolers. The intent is to create an internship program with the local business community to experience relevant industry/business of the region. Representative Clampitt made a motion to move the bill forward as written, and all Members voted in the affirmative to do so with no changes.

The 2nd bill to be discussed was HB 490, and Chairman Sauls called upon Representative Hall to discuss the details of the Caldwell CC/Board of Trustees bill. Rep. Hall mentioned that prior appointees for the local Community College Board by the Governor provided inherently unproductive board members and pointed out that the local board is far better equipped to appoint a person already invested in the Community College's success. After a brief discussion, Representative Potts motioned to approve HB 490 as written. Chairman Sauls called for a vote and HB 490 unanimously passed as written. A motion was made to adjourn at 1:40pm.

Respectfully Submitted by



Representative John Sauls - Chair



Karen Rosser, Committee Clerk



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT

Representative Mark Brody, Co-Chair

Representative John Sauls, Co-Chair

FAVORABLE

HB 450

Future Ready Student Act of 2017.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Horn

HB 490

Caldwell CC/Bd. of Trustees Appointments.

Draft Number:	None
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Destin Hall

TOTAL REPORTED: 2



* C M R 1 3 9 - V - 1 *





HOUSE BILL 450: Future Ready Student Act of 2017.

2017-2018 General Assembly

Committee: House Education - Community Colleges
Introduced by: Reps. Horn, Johnson, Dixon, Williams
Analysis of: First Edition

Date: April 4, 2017
Prepared by: Drupti Chauhan*
Committee Counsel

OVERVIEW: *HB 450 would establish business advisory councils, expand career and technical education to lower grades, and modernize terminology related to career and technical education throughout the statutes.*

CURRENT LAW: Article 10 of Chapter 115C of the General Statutes establishes vocational and technical education requirements (vocational education), requiring that such education be available to all students, with priority for students in grades eight through 12. These requirements include using business, industrial, agricultural, and parents of students enrolled in vocational education, organized as advisory committees to develop decisions affecting vocational education.

BILL ANALYSIS: HB 450 would make the following changes:

- **Update terminology** - Replace the term "vocational" with the term "career" to consistently use the terminology "career and technical education" (CTE) throughout Chapter 115C.
- **Establish work-based learning opportunities.** – Amend G.S. 115C-47 and G.S. 115C-157 to require local boards of education to offer, as part of CTE instruction, at least 2 work-based learning opportunities consisting of on-the-job training through an internship, cooperative education, or an apprenticeship program. (Sections 1 and 5)
- **Encourage career awareness programs.** – Amend G.S. 115C-152 and G.S. 115C-157 to encourage local boards of education to implement career awareness programs for students in grade 5 on available CTE education programs. A local board of education (local board) that adopts a 5th grade career awareness program must report on activities and student outcomes to the State Board of Education (SBE) annually by October 1. The SBE must submit a consolidated report on program outcomes and legislative recommendations to the Joint Legislative Education Oversight Committee (JLEOC) by November 15 annually. (Section 5)
- **Establish Business Advisory Councils.** - Require local boards to be assisted by business advisory councils (councils) in providing CTE instruction.
 - Purpose - Councils would identify economic and workforce development trends related to training and education needs of the local community and advocate for strong local CTE programs.
 - Service Area. – Councils may serve more than one local board upon the agreement of the council and all the local boards to be served by the council.
 - Membership. – Councils must have at least 9 members that reflect the education, business, and community makeup of the local school administrative unit (LEA) served as follows:

Karen Cochrane-Brown
Director



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House Bill 450

Page 2

- Ex officio education representatives:
 - Superintendent of the LEA, or designee.
 - CTE program director of the LEA (nonvoting member).
 - President of the community college that serves the LEA, or designee.
 - A principal of a school located in the LEA, as assigned by the superintendent.
- Business, industry, workforce and economic development stakeholders, and community representatives (must make up the majority of the council):
 - Local business and industry owners.
 - Representatives from local manufacturing centers and factories.
 - Human resource directors employed at businesses and industries in the community.
 - Representatives from community based organizations.
 - Representatives from economic and workforce development organizations.
 - Parents of students enrolled in career and technical education courses.
 - Representative or manager of the local apprenticeship coalition.
- **Establish the Career and Technical Education Grade Expansion Program (Program).** – Effective upon appropriation of funds for the 2017-2018 fiscal year, the Program would expand CTE by prioritizing the inclusion of students in 6th and 7th grade through grants administered by the NC Education and Workforce Innovation Commission (Commission).
 - Funding. – Used to award competitive grants in a total amount of up to \$5 million to be allocated as non-reverting funds to an LEA over a 7 year period. Funds would be used only for employing additional licensed personnel in CTE areas, career development coordination areas, and support services necessary for expanding CTE to 6th and 7th graders, and maybe used for multiple schools in an LEA.
 - Award of Grants. – LEAs must include the following information in applications:
 - A plan for expansion of the CTE program to 6th and 7th graders, including specific programs to be expanded, the significance of CTE in the LEA, and how the grade expansion would enhance the education program and the community.
 - Request for funds, description of how the funds would be used, and other sources of funds available for the program.
 - Proposed 7 year budget with details on use of funds to add personnel, increase career development efforts, and provide support services.
 - Strategy to achieve meaningful analysis of program outcomes due to receipt of grant funds
 - Selection. – The Commission must accept applications for grants until November 1 of each fiscal year funds are made available for an initial grant year. Selection criteria shall consider diversification among the applicant pool, including geographic locations, location of industries in the LEA, and size of student population served. The Commission shall recommend grant recipients to the State Board of Education (SBE), who, after consultation with the Superintendent of Public Instruction (Superintendent), shall approve the recipients of grant awards.



House Bill 450

Page 3

- Fund Allocation. – Recipients must be notified of the total amount of the award in equal amounts for 7 years. The Commission, in consultation with the Superintendent, must establish rules regarding any requirements for continued eligibility, including timely and accurate reporting.
- Reporting requirements. – By each August during the life of the grant, the recipient shall submit to the Department of Public Instruction (DPI), Division of CTE, a report providing at least the following information:
 - Use of grant funds and expenditures, including use of funds for CTE programs and courses that have been expanded to include 6th and 7th graders,
 - Number of students enrolled in CTE courses as part of the expansion.
 - Number of students who subsequently enrolled in CTE courses in high school.
 - Number of students who subsequently participated in internships, cooperative education, or apprenticeship programs.
 - Number of students who subsequently earned college credit and approved industry certification and credentials.
 - Any other information the Division deems necessary.

The Superintendent must provide a report to the Commission by October 15 annually based on the reported information, including how the grant recipients compare to CTE programs statewide and whether the programs are aligned with the Master Plan for CTE adopted by the SBE.

- A reserve in the General Fund would be created as the Career and Technical Education Grade Reserve for the Program. Each fiscal year, for the duration of the Program, funds would be transferred from the Reserve to the Commission to allocate funds to grant recipients. Unexpended grant funds at the end of the 7 year period shall revert to the Reserve. Funds remaining in the Reserve after all grant recipients have received the total amount of awards shall revert to the General Fund.
- **WorkReady Certified Communities.** - LEAs are encouraged to complete the application process for the NCWorks Work Ready Certified Communities initiative.
- **Expansion of CTE Positions.** - DPI, Division of CTE, effective July 1, 2017, is authorized to create 2 new full-time equivalent positions dedicated to assisting LEAs in developing councils, local career pathways, work-based learning opportunities, and elementary school career awareness curriculum.

EFFECTIVE DATE: Except as otherwise provided, HB 450 would become effective when it becomes law and apply beginning with the 2017-2018 school year.

**Kara McCraw, Committee Counsel, substantially contributed to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 450

Short Title: Future Ready Student Act of 2017.

(Public)

Sponsors: Representatives Horn, Johnson, Dixon, and Williams (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Education - Community Colleges

March 23, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE GENERAL STATUTES PROVIDING
3 FOR CAREER AND TECHNICAL EDUCATION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-47 reads as rewritten:

6 "§ 115C-47. Powers and duties generally.

7 In addition to the powers and duties designated in G.S. 115C-36, local boards of education
8 shall have the power or duty:

9 ...

10 (30) To Appoint Advisory Councils. – Local boards of education are authorized
11 to appoint advisory councils as provided in ~~G.S. 115C-55~~ G.S. 115C-55 and
12 Article 10 of this Chapter.

13 ...

14 (34a) To Establish Work-Based Opportunities and Encourage High School to
15 Work Partnerships. – Each local board of education shall offer at least two
16 work-based learning opportunities that are related to career and technical
17 education instruction in the local school administrative unit as required by
18 G.S. 115C-157. Local boards of education shall also encourage high schools
19 and local businesses to partner, specifically to target students who may not
20 seek higher education, and facilitate high school to work partnerships. Local
21 businesses shall be encouraged to work with local high schools to create
22 opportunities for students to complete a job shadow, internship, or
23 apprenticeship. Students may also be encouraged to tour the local business
24 or clinic, meet with employees, and participate in career and technical
25 student organizations. Waiver forms ~~may~~ shall be developed in collaboration
26 with participating businesses for the protection of both the students and the
27 businesses.

28 Each local board of education shall encourage high schools to designate
29 the Career Development Coordinator or other designee of the local Career
30 and Technical Education administrator to be the point person for local
31 businesses to contact. If the person selected is a teacher, the teacher shall
32 work with the principal and the local Career and Technical Education
33 administrator to find time in the school day to contact businesses and
34 develop opportunities for students. The high school shall include a variety of
35 trades and skilled labor positions for students to interact with and shadow





and shall encourage students who may be interested in a job-shadowing opportunity to pursue and set up the job shadow.

Each local board of education shall develop a policy with provisions for students who are absent from school while doing a job shadow to make up the work. Students shall not be counted as absent when participating in these work-based learning opportunities or in Career and Technical Education student organization activities. Local boards may determine maximum numbers of days to be used for job-shadowing activities.

...."

SECTION 2. G.S. 115C-55 reads as rewritten:

"§ 115C-55. Advisory councils.

A board of education may appoint an advisory council for any school or schools within the local school administrative unit. The purpose and function of an advisory council shall be to serve in an advisory capacity to the board on matters affecting the school or schools for which it is appointed. The Except as otherwise provided under Part 4 of Article 10 of this Chapter for business advisory councils, the organization, terms, composition and regulations for the operation of such advisory council shall be determined by the board."

SECTION 3. G.S. 115C-81(a1) reads as rewritten:

"(a1) The Basic Education Program shall describe the education program to be offered to every child in the public schools. It shall provide every student in the State equal access to a Basic Education Program. Instruction shall be offered in the areas of arts, communication skills, physical education and personal health and safety, mathematics, media and computer skills, science, second languages, social studies, and ~~vocational-career~~ and technical education.

Instruction in ~~vocational-career~~ and technical education under the Basic Education Program shall be based on factors including:

- (1) The integration of academic and ~~vocational-career~~ and technical ~~education; education.~~
- (2) A sequential course of study leading to both academic and occupational ~~competencies; competencies.~~
- (3) Increased student work skill attainment and job ~~placement; placement.~~
- (4) Increased linkages, where geographically feasible, between public schools and community colleges, so the public schools can emphasize academic preparation and the community colleges can emphasize specific job ~~training; and training.~~
- (5) Instruction and experience, to the extent practicable, in all aspects of the industry the students are prepared to enter."

SECTION 4. G.S. 115C-81.1 reads as rewritten:

"§ 115C-81.1. Basic Education Program Funds not to supplant Local funds for schools.

It is the intent of the General Assembly that budget funds appropriated by the General Assembly for ~~vocational-career~~ and technical education programs and clerical personnel to implement the Basic Education Program be used to supplement and not supplant existing State and local funding for the public schools. Therefore, to the extent that local school administrative units receive additional State funds for ~~vocational-career~~ and technical education programs and clerical personnel positions that were previously funded in whole or in part with nonstate funds, the local governments shall continue to spend for public school operating or capital purposes in the local school administrative units the amount of money they would have spent to provide the ~~vocational-career~~ and technical education programs and the school clerical personnel previously funded with nonstate funds.

Priority shall be given to funding capital needs, particularly those resulting from implementation of the Basic Education Program."



SECTION 5. Article 10 of Chapter 115C of the General Statutes reads as rewritten:

"Article 10.

~~"Vocational-Career~~ and Technical Education.

"Part 1. ~~Vocational-Career~~ and Technical Education Programs.

"§ 115C-151. Statement of purpose.

It is the intent of the General Assembly that ~~vocational-career~~ and technical education be an integral part of the educational process. The State Board of Education shall administer through local boards of education a comprehensive program of ~~vocational-career~~ and technical education that shall be available to all students, with priority given to students in grades eight through 12, who desire it in the public secondary schools and middle schools of this State. The purposes of ~~vocational-career~~ and technical education in North Carolina public secondary schools shall be as follows:

- (1) Occupational Skill Development. – To prepare individuals for paid or unpaid employment in recognized occupations, new occupations, and emerging occupations.
- (2) Preparation for Advanced Education. – To prepare individuals for participation in advanced or highly skilled ~~vocational-career~~ and technical education.
- (3) Career Development; Introductory. – To assist individuals in the making of informed and meaningful occupational choices.

It is also legislative intent to authorize the State Board of Education to support appropriate ~~vocational-career~~ and technical education instruction and related services for individuals who have special ~~vocational-career~~ and technical education needs which can be fulfilled through a comprehensive ~~vocational-career~~ and technical education program as designated by State Board of Education policy or federal ~~vocational-career~~ and technical education legislation.

"§ 115C-152. Definitions.

The State Board of Education shall provide appropriate definitions to ~~vocational-career~~ and technical education programs, services, and activities in grades ~~6-12-five~~ through 12 not otherwise included in this Part. As used in this Part, the following definitions apply, unless the context requires otherwise:

- (1) "Career development; ~~introductory~~—introductory; or career awareness program" means an instructional program, service, or activity designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations. A career awareness program offered to elementary school students shall encourage students to explore career pathways and prepare students for the transition to middle school career planning.
- (2) "Comprehensive ~~vocational-career~~ and technical education" means instructional programs, services, or activities directly related to preparation for and placement in employment, for advanced technical preparation, or for the making of informed and meaningful educational and occupational choices.
- (3) "Occupational skill development" means a program, service, or activity designed to prepare individuals for paid or unpaid employment as semiskilled or skilled workers, technicians, or professional-support personnel in recognized occupations and in new and emerging occupations including occupations or a trade, technical, business, health, office, homemaking, homemaking-related, agricultural, marketing, and other nature. Instruction is designed to fit individuals for initial employment in a specific occupation or a cluster of closely related occupations in an



occupational field. This instruction includes education in technology, manipulative skills, theory, auxiliary information, application of academic skills, and other associated ~~knowledge-abilities~~.

- (4) "Preparation for advanced education" means a program, service, or activity designed to prepare individuals for participation in advanced or highly skilled post-secondary and technical education programs leading to employment in specific occupations or a cluster of closely related occupations and for participation in ~~vocational-career~~ and technical education teacher education programs.

"§ 115C-153. Administration of ~~vocational-career~~ and technical education.

The State Board of Education shall be the sole State agency for the State administration of ~~vocational-career~~ and technical education at all levels, shall be designated as the State Board of ~~Vocational-Career~~ and Technical Education, and shall have all necessary authority to cooperate with any and all federal agencies in the administration of national acts assisting ~~vocational-career~~ and technical education, to administer any legislation pursuant thereto enacted by the General Assembly of North Carolina, and to cooperate with local boards of education in providing ~~vocational-career~~ and technical education programs, services, and activities for youth and adults residing in the areas under their jurisdiction.

"§ 115C-154. Duties of the State Board of Education.

In carrying out its duties, the State Board of Education shall develop and implement any policies, rules, regulations, and procedures as necessary to ensure ~~vocational-career~~ and technical education programs of high quality. The State Board of Education shall prepare a Master Plan for ~~Vocational-Career~~ and Technical Education. The plan, to be updated periodically, shall ensure ~~minimally that that~~, at a minimum, the following activities are accomplished:

- (1) Articulation shall occur with institutions, agencies, councils, and other organizations having responsibilities for work force preparedness.
- (2) Business, industrial, agricultural, and lay ~~representatives, including parents of students enrolled in Vocational and Technical Education courses,~~ representatives organized as business advisory committees-councils under Part 4 of this Article have been utilized in the development of decisions affecting ~~vocational-career~~ and technical education programs and services.
- (3) Public hearings are conducted annually to afford the public an opportunity to express their views concerning the State Board's plan and to suggest changes in the plan.
- (4) The plan describes the State's policy for ~~vocational-career~~ and technical education and the system utilized for the delivery of ~~vocational-career~~ and technical education programs, services, and activities. The policy shall include priorities of curriculum, integration of ~~vocational-career~~ and academic education, technical preparation, and youth apprenticeships.
- (5) A professionally and occupationally qualified staff is employed and organized in a manner to assure efficient and effective State leadership for ~~vocational-career~~ and technical education. Provisions shall be made for such functions as: planning, administration, supervision, personnel development, curriculum development, ~~vocational-career and technical education~~ student organization and coordination research and evaluation, and such others as the State Board may direct.
- (6) An appropriate supply of qualified personnel is trained for program expansion and replacements through cooperative arrangements with institutions of higher education and other institutions or agencies, including where necessary financial support of programs and curriculums designed for



- 1 the preparation of ~~vocational-career and technical education~~ administrators,
2 supervisors, coordinators, instructors, and support personnel.
- 3 (7) Minimum standards shall be prescribed for personnel employed at the State
4 and local levels.
- 5 (8) Local boards of education submit to the State Board of Education a local
6 plan for ~~vocational-career and technical education~~ that has been prepared in
7 accordance with the procedures set forth in the Master Plan for ~~Vocational~~
8 ~~Career and Technical Education~~.
- 9 (9) Appropriate minimum standards for ~~vocational-career and technical~~
10 education programs, services, and activities shall be established,
11 promulgated, supervised, monitored, and maintained. These standards shall
12 specify characteristics such as program objectives, competencies, course
13 sequence, program duration, class size, supervised on-the-job experiences,
14 ~~vocational-career and technical education~~ student organization,
15 school-to-work transition programs, qualifications of instructors, and all
16 other standards necessary to ensure that all programs conducted by local
17 school administrative units shall be of high quality, relevant to student
18 needs, and coordinated with employment opportunities.
- 19 (10) A system of continuing qualitative and quantitative evaluation of all
20 ~~vocational-career and technical education~~ programs, services, and activities
21 supported under the provisions of this Part shall be established, maintained,
22 and utilized periodically. One component of the system shall be follow-up
23 studies of employees and former students of ~~vocational-career and technical~~
24 education programs who have been out of school for one year, and for five
25 years to ascertain the effectiveness of instruction, services, and activities.

26 **"§ 115C-154.1. Approval of local ~~vocational-career and technical education~~ plans or**
27 **applications.**

28 The State Board of Education shall not approve any local ~~vocational-board of education~~
29 ~~career and technical education~~ plans or applications ~~unless;unless the plan or application meets~~
30 all of the following conditions:

- 31 (1) The programs are in accordance with the purposes of ~~G.S.~~
32 ~~115C-151;G.S. 115C-151.~~
- 33 (2) The ~~vocational-career and technical education~~ programs and courses are not
34 duplicated within a local school administrative unit, unless the unit has data
35 to justify the duplication or the unit has a plan to redirect the duplicative
36 programs within three ~~years;years.~~
- 37 (3) For all current job skill programs, there is a documented need, based on
38 labor market data or follow-up data, or there is a plan to redirect the program
39 within two ~~years;years.~~
- 40 (4) New ~~vocational-career and technical education~~ programs show documented
41 need based on student demand, or for new job skill programs, based on
42 student and labor market ~~demand;anddemand.~~
- 43 (5) All programs are responsive to technological advances, changing
44 characteristics of the work force, and the academic, technical, and attitudinal
45 development of students.
- 46 (6) The local board of education establishes a business advisory council in
47 accordance with Part 4 of this Article. The local board of education shall
48 submit information regarding ongoing consultation with the advisory council
49 as part of the career and technical education local planning system
50 maintained by the State Board of Education and the Department of Public
51 Instruction.



Local programs using the cooperative ~~vocational-career~~ and technical education method shall be approved subject to students enrolled being placed in employment commensurate with the respective program criteria.

"§ 115C-154.2. ~~Vocational-Career~~ and technical education equipment standards.

The State Board of Education shall develop equipment standards for each ~~vocational-career~~ and technical education program level and shall assist local school administrative units in determining the adequacy of equipment for each ~~vocational-career~~ and technical education program available in each local school administrative unit.

The State Board shall also develop a plan to assure that minimum equipment standards for each program are met to the extent that State, local, and federal funds are available for that purpose. The State Board shall consider all reasonable and prudent means to meet these minimum equipment standards and to ensure a balanced ~~vocational-career~~ and technical education program for students in the public schools.

"§ 115C-155. Acceptance of benefits of federal ~~vocational-career~~ and technical education acts.

The State of North Carolina, through the State Board of Education, may accept all the provisions and benefits of acts passed by the Congress of the United States providing federal funds for ~~vocational-career~~ and technical education programs: Provided, however, that the State Board of Education shall not accept those funds upon any condition that the public schools of this State shall be operated contrary to any provision of the Constitution or statutes of this State.

"§ 115C-156. State funds for ~~vocational-career~~ and technical education.

It is the intent of the General Assembly of North Carolina to appropriate funds for each fiscal year to support the purposes of ~~vocational-career~~ and technical education as set forth in G.S. 115C-151. From funds appropriated, the State Board of Education shall establish a sum of money for State administration of ~~vocational-career~~ and technical education and shall allocate the remaining sum on an equitable basis to local school administrative units, except that a contingency fund is established to correct excess deviations that may occur during the regular school year. In the administration of State funds, the State Board of Education shall adopt such policies and procedures as necessary to ensure that the funds appropriated are used for the purpose stated in this Part and consistent with the policy set forth in the Master Plan for ~~Vocational-Career and Technical~~ Education.

...

"§ 115C-156.2. Industry certifications and credentials program.

(a) It is the intent of the State to encourage students to enroll in and successfully complete rigorous coursework and credentialing processes in career and technical education to enable success in the workplace. To attain this goal, to the extent funds are made available for this purpose, students shall be supported to earn State Board of Education approved industry certifications and ~~credentials~~:credentials as follows:

- (1) Students enrolled in public schools and in career and technical education courses shall be exempt from paying any fees for one administration of examinations leading to industry certifications and credentials pursuant to rules adopted by the State Board of Education.
- (2) Each school year, at such time as agreed to by the Department of Commerce and the State Board of Education, the Department of Commerce shall provide the State Board of Education with a list of those occupations in high need of additional skilled employees. If the occupations identified in such list are not substantially the same as those occupations identified in the list from the prior year, reasonable notice of such changes shall be provided to local school administrative units.



1 (3) Local school administrative units shall consult with their local industries,
2 employers, business advisory councils, and workforce development boards
3 to identify industry certification and credentials that the local school
4 administrative unit may offer to best meet State and local workforce needs.

5 (b) Beginning in 2014, the State Board of Education shall report to the Joint Legislative
6 Education Oversight Committee by ~~September~~ November 15 of each year on the number of
7 students in career and technical education courses who earned (i) community college credit and
8 (ii) related industry certifications and credentials.

9 **"§ 115C-157. Responsibility of local boards of education.**

10 (a) Each local school administrative unit, shall provide free appropriate ~~vocational~~
11 career and technical education instruction, activities, and services in accordance with the
12 provisions of this Part for all youth, with priority given to youth in grades eight through 12,
13 who elect the instruction and shall have responsibility for administering the instruction,
14 activities, and services in accordance with federal and State law and State Board of Education
15 policies.

16 (b) Each local school administrative unit shall offer as part of its career and technical
17 education program at least two work-based learning opportunities that are related to career and
18 technical education instruction. A work-based learning opportunity shall consist of on-the-job
19 training through an internship, cooperative education, or an apprenticeship program meeting
20 the requirements of Chapter 94 of the General Statutes.

21 (c) Each local board of education is encouraged to implement a career awareness
22 program for students in grade five to educate students on the career and technical education
23 programs offered in the local school administrative unit. A local board of education that adopts
24 a career awareness program for fifth grade students shall report on program activities and
25 student outcomes from the prior school year to the State Board of Education by October 1 of
26 each year. By November 15 of each year, the State Board shall submit a consolidated report to
27 the Joint Legislative Education Oversight Committee on program outcomes and any legislative
28 recommendations based on local board of education reports.

29 ...

30 **"§ 115C-158. Federal funds division.**

31 The division between secondary and post-secondary educational systems and institutions of
32 federal funds for which the State Board of ~~Vocational-Career~~ and Technical Education has
33 responsibility shall, within discretionary limits established by law, require the concurrence of
34 the State Board of Education and the State Board of Community Colleges on and after January
35 1, 1981. The portion of the approved State Plan for post-secondary ~~vocational-career~~ and
36 technical education required by G.S. 115C-154 shall be as approved by the State Board of
37 Community Colleges.

38 "Part 2. ~~Vocational-Career~~ and Technical Education Production Work Activities.

39 **"§ 115C-159. Statement of purpose.**

40 It is the intent of the General Assembly that practical work experiences within the school
41 and outside the school, which are valuable to students and which are under the supervision of a
42 teacher, should be encouraged as a part of ~~vocational-career~~ and technical education instruction
43 in the public secondary schools and middle schools when those experiences are organized and
44 maintained to the best advantage of the ~~vocational-career and technical education~~ programs.
45 Those activities are a part of the instructional activities in the ~~vocational-career and technical~~
46 education programs and are not to be construed as engaging in business. Those services,
47 products, and properties generated through these instructional activities are exempt from the
48 requirements of ~~G.S. 115C-518; the local board~~ G.S. 115C-518. Local boards of education shall
49 adopt rules for the disposition of these services, products, and properties. Local boards of
50 education may use available financial resources to support that instruction.

51 **"§ 115C-160. Definitions.**



1 The State Board of Education shall provide appropriate definitions necessary to this part of
2 ~~vocational-career~~ and technical education instruction not otherwise included in this Part. As
3 used in this Part, the following definitions apply, unless the context requires otherwise:

4 (1) The term "building trades training" means the development of ~~vocational~~
5 career skills through the construction of dwellings or other buildings and
6 related activities by students in ~~vocational-career~~ and technical education
7 programs.

8 (2) The term "production work" means production activities and services
9 performed by ~~vocational~~ students in career and technical education classes
10 under contract with a second party for remuneration.

11 **"§ 115C-161. Duties of the State Board of Education.**

12 The State Board of Education is authorized and directed to establish, maintain, and
13 implement such policies, rules, regulations, and procedures not in conflict with State law or
14 other State Board policies as necessary to assist local boards of education in the conduct of
15 production work experiences performed in connection with approved State Board of Education
16 ~~vocational-career~~ and technical education programs.

17 **"§ 115C-162. Use of proceeds derived from production work.**

18 Unless elsewhere authorized in these statutes, local boards of education shall deposit to the
19 appropriate school account, no later than the end of the next business day after receipt of funds,
20 all proceeds derived from the sale of products or services from production work experiences.
21 These proceeds shall be established as a revolving fund to be used solely in operating and
22 improving ~~vocational-career~~ and technical education programs.

23 **"§ 115C-163. Acquisition of land for agricultural education instructional programs.**

24 Local boards of education may acquire by gift, purchase, or lease for not less than the
25 useful life of any project to be conducted upon the premises, a parcel of land suitable for a land
26 laboratory to provide students with practical instruction in soil science, plant science,
27 horticulture, forestry, animal husbandry, and other subjects related to the agriculture
28 curriculum.

29 Each deed, lease, or other agreement for land shall be made to the respective local board of
30 education in which the school offering instruction in agriculture is located; and title to such
31 land shall be examined and approved by the ~~school~~ local board of education's attorney.

32 Any land laboratory thus acquired shall be assigned to the agricultural education program
33 of the school, to be managed with the advice of an agricultural education advisory
34 ~~committee-committee~~ or a specialized subcommittee of a business advisory council as provided
35 under Part 4 of this Article.

36 The products of the land laboratory not needed for public school purposes may be sold to
37 the public: Provided, however, that all proceeds from the sale of products shall be deposited in
38 the appropriate school account no later than the end of the next business day after receipt of
39 funds. The proceeds shall be established as a revolving fund to be used solely in operating and
40 improving ~~vocational-career~~ and technical education programs.

41 **"§ 115C-164. Building trades training.**

42 In the establishment and implementation of production work experience policies, the State
43 Board of Education shall be guided as follows:

44 (1) Local boards of education may use supplementary tax funds or other local
45 funds available for the support of ~~vocational-career~~ and technical education
46 to purchase and develop suitable building sites on which dwellings or other
47 buildings are to be constructed by ~~vocational-career~~ and technical education
48 trade classes of each public school operated by local boards of education.
49 Local boards of education may use these funds for each school to pay the
50 fees necessary in securing and recording deeds to these properties for each
51 public school operated by local boards of education and to purchase all



materials needed to complete the construction of buildings by ~~vocational~~
career and technical education trade classes and for development of site and
property by other ~~vocational-career~~ and technical education classes. Local
boards of education may use these funds to acquire skilled services,
including electrical, plumbing, heating, sewer, water, transportation, grading,
and landscaping needed in the construction and completion of buildings, that
cannot be supplied by the students in ~~vocational-career~~ and technical
education trade classes.

- (2) Local boards of education may, in conjunction with or in lieu of subdivision
(1) of this section, contract with recognized building trades educational
foundations or associations in the purchase of land for the construction and
development of buildings: Provided however, that all contracts shall be in
accordance with the requirements set forth by the State Board of Education.

"§ 115C-165. Advisory committee on production work activities.

The local board of education of each local school administrative unit in which the proposed
production work activities are to be undertaken shall appoint appropriate workforce production
advisory committees of no less than three persons residing within that administrative unit for
each program (or in the case of Trade and Industrial Education, for each specialty) for the
purpose of reviewing and making recommendations on such production work activities.
Workforce production advisory committees, including agricultural education advisory
committees under G.S. 115C-163, may be established as specialized subcommittees of the
business advisory councils as provided under Part 4 of this Article. Respective advisory
committee members shall be lay persons who are actively involved in the appropriate business
or trade. No production work activity shall be undertaken without the involvement of the
appropriate advisory committee.

"Part 3. Eye Safety Devices Required.

"§ 115C-166. Eye protection devices required in certain courses.

The governing board or authority of any public or private school or educational institution
within the State, wherein shops or laboratories are conducted providing instructional or
experimental ~~programs involving; programs,~~ shall provide for and require that every student and
teacher wear industrial-quality eye protective devices at all times while participating in a
program that involves any of the following:

- (1) Hot solids, liquids or molten ~~metals; metals.~~
- (2) Milling, sawing, turning, shaping, cutting, or stamping of any solid
~~materials; materials.~~
- (3) Heat treatment, tempering, or kiln firing of any metal or other
~~materials; materials.~~
- (4) Gas or electric arc ~~welding; welding.~~
- (5) Repair or servicing of any ~~vehiele; or vehicle.~~
- (6) Caustic or explosive chemicals or ~~materials; materials.~~

~~shall provide for and require that every student and teacher wear industrial-quality eye
protective devices at all times while participating in any such program.~~ These industrial-quality
eye protective devices shall be furnished free of charge to the student and teacher.

"§ 115C-167. Visitors to wear eye safety devices.

Visitors to ~~such~~ shops and laboratories subject to the requirements of G.S. 115C-166 shall
be furnished with and required to wear ~~such industrial-quality eye safety protective~~ devices
while ~~such instructional or experimental~~ programs are in progress.

...

"Part 4. Business Advisory Councils.

"§ 115C-170. Business advisory councils established; members; selection; duties.



1 (a) Purpose. – Each local board of education shall be assisted by a business advisory
2 council in the performance of its duties to provide career and technical education instruction,
3 activities, and services in accordance with this Article. The business advisory council shall
4 serve local boards of education by identifying economic and workforce development trends
5 related to the training and educational needs of the local community and advocating for strong,
6 local career and technical education programs, including career pathway development that
7 provides work-based learning opportunities for students and prepares students for
8 post-secondary educational certifications and credentialing for high-demand careers. A
9 business advisory council established under this Part may serve more than one local board of
10 education in a region of the State upon the agreement of the members of the council and all of
11 the local boards of education to be served by that council.

12 (b) Workforce Production Subcommittees. – A business advisory council may form a
13 subcommittee of the council for the purposes of advising a local board of education on
14 workforce production activities under Part 2 of this Article.

15 (c) Membership. – Each business advisory council shall have at least nine members.
16 The council shall be composed of members who reasonably reflect the education, business, and
17 community makeup of the local school administrative unit that it serves. A majority of the
18 membership of the council shall be composed of business, industry, and community members
19 appointed in accordance with subdivision (2) of this subsection, and the remaining members
20 shall consist of education representatives as follows:

21 (1) Education representatives. – The following members shall serve ex officio
22 on the council to represent each local school administrative unit that the
23 council serves:

- 24 a. The superintendent of the local school administrative unit or his or
25 her designee.
26 b. The career and technical education program director of the local
27 school administrative unit as a nonvoting member.
28 c. The president of the community college that serves the area in which
29 the local school administrative unit is located, in whole or in part, or
30 his or her designee.
31 d. A principal of a school located within the local school administrative
32 unit, as assigned by the superintendent.

33 (2) Business, industry, and community representatives. – At least five other
34 members shall serve on the council to represent business and industry
35 located within each local school administrative unit that the council serves
36 and the community. Members shall be business, industry, and workforce and
37 economic development stakeholders in the community, and community
38 members, including any of the following:

- 39 a. Local business and industry owners.
40 b. Representatives from local manufacturing centers and factories.
41 c. Human resource directors employed at businesses and industries in
42 the community.
43 d. Representatives from community-based organizations.
44 e. Representatives from economic and workforce development
45 organizations.
46 f. Parents of students enrolled in career and technical education
47 courses.
48 g. Representative or manager of the local apprenticeship coalition.

49 (d) Initial Terms and Appointments. – Each local board of education shall make the
50 initial appointment of members of the business advisory council under subdivision (2) of
51 subsection (c) of this section for terms beginning January 1, 2018. The local board of education



1 shall divide the initial appointments into three groups if there are only three appointments, and
2 into four groups as equal in size as practicable if there are more than three appointments, and
3 shall designate appointments in group one to serve four-year terms, in group two to serve
4 three-year terms, in group three to serve two-year terms, and in group four to serve one-year
5 terms.

6 (e) Subsequent Terms and Appointments. – As terms expire for members appointed as
7 provided in subsection (d) of this section, the business advisory council shall appoint
8 subsequent members of the business advisory council under subdivision (2) of subsection (c) of
9 this section for four-year terms. The local board of education shall establish a policy on the
10 appointment of subsequent members to the council, including procedures for increasing the
11 number of members serving on the council. Any vacancies in seats appointed to the council
12 shall be filled by the remaining members of the council.

13 (f) Council Secretary. – The career and technical education program director shall serve
14 as secretary to the council. If the council serves more than one local board of education, the
15 program director of each local school administrative unit shall serve as secretary for a period of
16 time as determined by the members of the council.

17 (g) Bylaws. – Each business advisory council shall adopt bylaws establishing
18 procedures for conducting the business of the council, which shall include at least the
19 following:

20 (1) A chair of the business advisory council shall be elected annually by the
21 members of the council from among the business and industry representative
22 members of the council.

23 (2) A majority of the members shall constitute a quorum.

24 (3) The business advisory council shall meet at least biannually.

25 (4) The chair or three of the members may call a special meeting of the council.

26 (5) Procedures for appointing members to the council that are consistent with
27 the policy adopted by the local board of education under subsection (d) of
28 this section.

29 (h) Public Records. – A business advisory council is subject to the Public Records Act,
30 Chapter 132 of the General Statutes, and the Open Meetings Law, Article 33C of Chapter 143
31 of the General Statutes.

32 (i) Expenses. – The local board of education shall provide for meeting space and
33 assignment of necessary administrative staff to the business advisory council."

34 **SECTION 6.** G.S. 115C-174.25 reads as rewritten:

35 **"§ 115C-174.25. WorkKeys.**

36 To the extent funds are made available for this purpose, the State Board shall plan for and
37 require local school administrative units to make available the appropriate WorkKeys tests for
38 all students who complete the second level of vocational/career a concentration in career and
39 technical education courses."

40 **SECTION 7.** G.S. 115C-302.1 reads as rewritten:

41 **"§ 115C-302.1. Salary.**

42 ...

43 (b) Salary Payments. – State-allotted teachers shall be paid for a term of 10 months.
44 State-allotted months of employment for vocational-career and technical education to local
45 boards shall be used for the employment of teachers of vocational-career and technical
46 education for a term of employment to be determined by the local boards of education.
47 However, local boards shall not reduce the term of employment for any vocational-career and
48 technical education agriculture teacher personnel position that was 12 calendar months for the
49 1982-83 school year for any school year thereafter. In addition, local boards shall not reduce
50 the term of employment for any vocational-career and technical education agriculture teacher
51 personnel position that was 12 calendar months for the 2003-2004 school year for any school



1 year thereafter. In addition, local boards shall not reduce the term of employment for any
2 ~~vocational-career and technical education~~ agriculture teacher personnel position that was 12
3 calendar months for the 2014-2015 school year for any school year thereafter.

4 Each local board of education shall establish a set date on which monthly salary payments
5 to State-allotted teachers shall be made. This set pay date may differ from the end of the month
6 of service. The daily rate of pay for teachers shall equal midway between one twenty-first and
7 one twenty-second of the monthly rate of pay. Except for teachers employed in a year-round
8 school or paid in accordance with a year-round calendar, or both, the initial pay date for
9 teachers shall be no later than August 31 and shall include a full monthly payment. Subsequent
10 pay dates shall be spaced no more than one month apart and shall include a full monthly
11 payment.

12 Teachers may be prepaid on the monthly pay date for days not yet worked. A teacher who
13 fails to attend scheduled workdays or who has not worked the number of days for which the
14 teacher has been paid and who resigns, is dismissed, or whose contract is not renewed shall
15 repay to the local board any salary payments received for days not yet worked. A teacher who
16 has been prepaid and continues to be employed by a local board but fails to attend scheduled
17 workdays may be subject to dismissal under G.S. 115C-325 or other appropriate discipline.

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

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

29 (c) Vacation. – Included within the 10-month term shall be annual vacation leave at the
30 same rate provided for State employees, computed at one-twelfth of the annual rate for State
31 employees for each month of employment. Local boards shall provide at least 10 days of
32 annual vacation leave at a time when students are not scheduled to be in regular attendance.
33 However, instructional personnel who do not require a substitute may use annual vacation leave
34 on days that students are in attendance. ~~Vocational-Career~~ and technical education teachers who
35 are employed for 11 or 12 months may, with prior approval of the principal, work on annual
36 vacation leave days designated in the school calendar and may use those annual vacation leave
37 days during the eleventh or twelfth month of employment. Local boards of education may
38 adopt policies permitting instructional personnel employed for 11 or 12 months in year-round
39 schools to, with the approval of the principal, take vacation leave at a time when students are in
40 attendance; local funds shall be used to cover the cost of substitute teachers.

41 On a day that pupils are not required to attend school due to inclement weather, but
42 employees are required to report for a workday, a teacher may elect not to report due to
43 hazardous travel conditions and to take an annual vacation day or to make up the day at a time
44 agreed upon by the teacher and the teacher's immediate supervisor or principal. On a day that
45 school is closed to employees and pupils due to inclement weather, a teacher shall work on the
46 scheduled makeup day.

47 All vacation leave taken by the teacher will be upon the authorization of the teacher's
48 immediate supervisor and under policies established by the local board of education. Annual
49 vacation leave shall not be used to extend the term of employment.

50 Notwithstanding any provisions of this subsection to the contrary, no person shall be
51 entitled to pay for any vacation day not earned by that person.



1"

2 **SECTION 8.** G.S. 115C-426(f)(2) reads as rewritten:

3 "(2) The acquisition, construction, reconstruction, enlargement, renovation, or
4 replacement of buildings and other structures, including but not limited to
5 buildings for classrooms and laboratories, physical and ~~vocational~~ career and
6 technical educational purposes, libraries, auditoriums, gymnasiums,
7 administrative offices, storage, and vehicle maintenance."

8 **SECTION 9.(a)** G.S. 115C-64.15 reads as rewritten:

9 **"§ 115C-64.15. North Carolina Education and Workforce Innovation Commission.**

10 ...

11 (d1) The Commission shall develop and administer, in coordination with the State Board
12 of Education and the Superintendent of Public Instruction, the Career and Technical Education
13 Grade Expansion Program, as established under G.S. 115C-64.17, and shall make awards of
14 grants under the Program.

15 (e) The Commission shall publish a report on the Education and Workforce Innovation
16 Program and the Career and Technical Education Grade Expansion Program on or before April
17 30 of each year. The report shall be submitted to the Joint Legislative Education Oversight
18 Committee, the State Board of Education, the State Board of Community Colleges, and the
19 Board of Governors of The University of North Carolina. The report shall include at least all of
20 the following information:

21 (1) An accounting of how funds and personnel resources were utilized for each
22 program and their impact on student achievement, retention, and
23 employability.

24 (2) Recommended statutory and policy changes.

25 (3) Recommendations for improvement of ~~the each~~ each program.

26 (4) For the Career and Technical Education Grade Expansion Program,
27 recommendations on increasing availability of grants after the first two years
28 of the program to include additional local school administrative units or
29 providing additional grants to prior recipients."

30 **SECTION 9.(b)** Article 6C of Chapter 115C of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 115C-64.17. The Career and Technical Education Grade Expansion Program.**

33 (a) Program Establishment. – There is established the Career and Technical Education
34 Grade Expansion Program (Program) to expand career and technical education (CTE) programs
35 by prioritizing the inclusion of students in sixth and seventh grade. Funds appropriated for the
36 Program shall be used to award competitive grants in a total amount of up to five million
37 dollars (\$5,000,000) to be allocated to a local school administrative unit over a seven-year grant
38 period. Grant funds shall be used only for employing additional licensed personnel in career
39 and technical education areas, career development coordination areas, and support service areas
40 necessary for expanding the CTE program to sixth and seventh grade students. The funds may
41 be used for CTE programs at one or more schools in the local school administrative unit. Grant
42 funds allocated to the local school administrative unit each fiscal year under the Program shall
43 not revert but may be expended until the end of the seven-year grant period.

44 (b) Consideration of Factors in Awarding of Grants. – Local school administrative units
45 applying for the Program shall submit an application that includes at least the following
46 information:

47 (1) A plan for expansion of the CTE program to sixth and seventh grade
48 students, including the specific programs that will be expanded, the
49 significance of CTE in the local school administrative unit, and how a grade
50 expansion would enhance the education program and the community.



- 1 (2) A request for the amount of funds, a description of how the funds will be
2 used, and any other sources of funds available to accomplish the purposes of
3 this program.
- 4 (3) A proposed budget for seven years that provides detail on the use of the
5 amount of funds to add personnel, increase career development efforts, and
6 provide support services.
- 7 (4) A strategy to achieve meaningful analysis of program outcomes due to the
8 receipt of grant funds under this section.
- 9 (c) Selection of Recipients. – The Commission shall accept applications for a grant
10 until November 1 of each fiscal year that funds are made available for an initial grant year for
11 the Program. The Commission shall select recipients in a manner that considers diversity
12 among the pool of applicants, including geographic location, location of industries in the area
13 in which a local school administrative unit is located, and the size of the student population
14 served by the unit, in order to award funds to the extent possible to grant recipients that
15 represent different regions and characteristics of the State. The Commission shall recommend
16 recipients of the grants to the State Board of Education. The State Board, upon consultation
17 with the Superintendent of Public Instruction, shall approve the recipients of grant awards.
- 18 (d) Allocation of Funds. – In an initial grant year, grant recipients shall be notified of
19 the total amount of the award to be allocated to the recipient in equal amounts each fiscal year
20 for seven years. The Commission, in consultation with the Superintendent of Public Instruction,
21 shall establish rules regarding any requirements for grant recipients to continue eligibility to
22 receive funds each fiscal year, including timely and accurate reporting as required under
23 subsection (e) of this section.
- 24 (e) Reporting Requirements. – No later than August 1 of each year, for up to seven
25 years after the initial grant award, a grant recipient shall submit to the Department of Public
26 Instruction, Local Planning Systems Regional Services staff within the Division of Career and
27 Technical Education, an annual report for the preceding year in which grant funds were
28 expended that provides at least the following information on the program for sixth and seventh
29 grade students:
- 30 (1) The use of grant funds and expenditures, including the use of funds for CTE
31 programs and courses that have been expanded in the local school
32 administrative unit to include sixth and seventh grade students.
- 33 (2) The number of students enrolled in CTE courses as part of the expansion.
- 34 (3) The number of students who subsequently enrolled in CTE courses in high
35 school.
- 36 (4) The number of students who subsequently participated in internships,
37 cooperative education, or apprenticeship programs.
- 38 (5) The number of students who subsequently earned (i) college credit and (ii)
39 approved industry certification and credentials.
- 40 (6) Any other information the Division of Career and Technical Education
41 deems necessary.

42 The Superintendent of Public Instruction shall provide a report to the Commission by
43 October 15 of each year based on the information reported to the Local Planning Systems
44 Regional Services staff under this subsection, including how the grant recipients compare to
45 CTE programs statewide and whether the programs are aligned with the Master Plan for Career
46 and Technical Education adopted by the State Board."

47 **SECTION 9.(c)** There is established a reserve in the General Fund to be known as
48 the Career and Technical Education Grade Expansion Reserve (Reserve) consisting of funds
49 appropriated for the Career and Technical Education Grade Expansion Program (Program).
50 Each fiscal year, for the duration of the Program, funds shall be transferred from this Reserve to
51 the North Carolina Education and Workforce Innovation Commission established in



1 G.S. 115C-64.15 for allocation of funds to grant recipients in accordance with
2 G.S. 115C-64.17, as enacted by Section 9(b) of this act. Funds that are unexpended by grant
3 recipients at the end of a seven-year grant period shall revert to the Reserve. Funds remaining
4 in the Reserve after all grant recipients have received the total amount of awards under the
5 Program shall revert to the General Fund.

6 **SECTION 10.** Local school administrative units are encouraged to complete the
7 application process for the NCWorks Work Ready Certified Communities initiative in
8 cooperation with local workforce development boards, local economic development boards,
9 chambers of commerce, business and industry employers, and local community college leaders.
10 The NCWorks Certified Work Ready Communities initiative encourages local participation to
11 assist with the following:

- 12 (1) Informing business and industry employers on the foundational skills
13 necessary for a productive workforce and providing a method for employers
14 to communicate their needs.
- 15 (2) Providing individuals with an understanding on the skills required by
16 employers and how to prepare for success.
- 17 (3) Providing reliable data for the evaluation of the skills gap in a timely manner
18 at the national, State, and local levels.
- 19 (4) Informing educators on how to close the skills gap using tools integrated into
20 career pathways with stackable industry-recognized credentials.
- 21 (5) Providing economic developers an on-demand reporting tool to market the
22 quality of their workforce.

23 **SECTION 11.** The Department of Public Instruction, Division of Career and
24 Technical Education, is authorized to create two new full-time equivalent positions within the
25 Division dedicated to assisting local school administrative units in developing business
26 advisory councils in accordance with Part 4 of Article 10 of Chapter 115C of the General
27 Statutes, as enacted by Section 5 of this act, local career pathways, work-based learning
28 opportunities, and elementary school career awareness curriculum.

29 **SECTION 12.** Section 11 of this act becomes effective July 1, 2017. Section 9 of
30 this act becomes effective only if funds are appropriated in a Current Operations
31 Appropriations Act for the 2017-2018 fiscal year to implement the provisions of Section 9 of
32 this act. The remainder of this act is effective when this act becomes law. Sections 1 through 8
33 of this act apply beginning with the 2017-2018 school year.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 490

Short Title: Caldwell CC/Bd. of Trustees Appointments.

(Local)

Sponsors: Representatives Destin Hall and Jordan (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges

March 28, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE APPOINTMENT METHOD OF THE CALDWELL
3 COMMUNITY COLLEGE AND TECHNICAL INSTITUTE BOARD OF TRUSTEES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115D-12 reads as rewritten:

6 "**§ 115D-12. Each institution to have board of trustees; selection of trustees.**

7 (a) Each community college established or operated pursuant to this Chapter shall be
8 governed by a board of trustees consisting of 13 members, or of additional members if selected
9 according to the special procedure prescribed by the third paragraph of this subsection, who
10 shall be selected by the following agencies. No member of the General Assembly may be
11 appointed to a local board of trustees for a community college.

12 Group One – four trustees, elected by the board of education of the public school
13 administrative unit located in the administrative area of the institution. If there are two or more
14 public school administrative units, whether city or county units, or both, located within the
15 administrative area, the trustees shall be elected jointly by all of the boards of education of
16 those units, each board having one vote in the election of each trustee, except as provided in
17 G.S. 115D-59. No board of education shall elect a member of the board of education or any
18 person employed by the board of education to serve as a trustee, however, any such person
19 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the
20 trustee's current term.

21 Group Two – four trustees, elected by the board of commissioners of the county in which
22 the institution is located. Provided, however, if the administrative area of the institution is
23 composed of two or more counties, the trustees shall be elected jointly by the boards of
24 commissioners of all those counties, each board having one vote in the election of each trustee.
25 Provided, also, the county commissioners of the county in which the community college has
26 established a satellite campus may elect an additional two members if the board of trustees of
27 the community college agrees. No more than one trustee from Group Two may be a member of
28 a board of county commissioners. Should the boards of education or the boards of
29 commissioners involved be unable to agree on one or more trustees the senior resident superior
30 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the
31 institution is located shall fill the position or positions by appointment.

32 Group Three – four trustees, appointed by the ~~Governor~~ General Assembly under
33 G.S. 120-121, two of whom shall be appointed upon recommendation of the Speaker of the
34 House of Representatives and two of whom shall be appointed upon recommendation of the
35 President Pro Tempore of the Senate. Following consultation with members of the House of





1 Representatives whose districts include counties within the administrative area of the
2 community college, the Speaker of the House of Representatives shall make recommendations
3 for appointments to terms expiring in 2017 and 2019 and every four years thereafter. Following
4 consultation with members of the Senate whose districts include counties within the
5 administrative area of the community college, the President Pro Tempore of the Senate shall
6 make recommendations for terms expiring in 2018 and 2020 and every four years thereafter.

7 Group Four – the president of the student government or the chairman of the executive
8 board of the student body of each community college established pursuant to this Chapter shall
9 be an ex officio nonvoting member of the board of trustees of each said institution.

10 (b) All trustees shall be residents of the administrative area of the institution for which
11 they are selected or of counties contiguous thereto with the exception of members provided for
12 in subsection (a) of this section, Group Four.

13 (b1) No person who has been employed full time by the community college within the
14 prior 5 years and no spouse or child of a person currently employed full time by the community
15 college shall serve on the board of trustees of that college.

16 (c) Vacancies occurring in ~~any group~~ Groups One and Two for whatever reason shall
17 be filled for the remainder of the unexpired term by the agency or agencies authorized to select
18 trustees of that group and in the manner in which regular selections are made. Should the
19 selection of a Group One or Two trustee not be made by the agency or agencies having the
20 authority to do so within 60 days after the date on which a vacancy occurs, whether by creation
21 or expiration of a term or for any other reason, the Governor shall fill the vacancy by
22 appointment for the remainder of the unexpired term. Vacancies occurring in Group Three shall
23 be filled as provided in G.S. 120-122."

24 **SECTION 2.** Notwithstanding G.S. 115D-12, as amended by this act, the current
25 members serving on the Caldwell Community College and Technical Institute Board of
26 Trustees as of the effective date of this act shall serve the remainder of their terms. Thereafter,
27 as terms expire, or when a vacancy occurs prior to the expiration of a term, the Board of
28 Trustees members shall be appointed in accordance with G.S. 115D-12, as amended by this act.
29 If a vacancy occurs in a Group Three seat that was appointed by the Governor, the vacancy
30 shall be filled by joint recommendation of the Speaker of the House of Representatives and the
31 President Pro Tempore of the Senate, as provided in G.S. 120-121. Upon expiration of that
32 term, the member shall be appointed in accordance with G.S. 115D-12.

33 **SECTION 3.** This act applies only to Caldwell Community College and Technical
34 Institute.

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



Committee Sergeants at Arms

NAME OF COMMITTEE HC on Education-Community Colleges

DATE: 4/4/2017

Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton

2. Name: Joe Crook

3. Name: Russell Salisbury

4. Name: _____

5. Name: _____

PAGES
2

Pages

Senate Sgt-At Arms:

1. Name: Madison Gunter / Rep Clark

2. Name: Caroline Byars / Rep Bradford

3. Name: _____

4. Name: _____

5. Name: _____



VISITOR REGISTRATION SHEET

EDUCATION - COMMUNITY COLLEGE

DATE: 4-4-2017

Visitors: Please sign below and return to Committee Clerk

<u>NAME</u>	<u>AGENCY</u>
JoAnne Honeycutt	NCDPI
Maghan Willis	Nc chamber
Dave Slight	CALC
Betsy Bailey	CAGC
Neva Helms	LA - Rep. Brody
Don Galt	SN
Paul Sherman	NICFB
Angela Hollenbeck	Hollenbeck Group Inc.
Robb Jansen	NCSBE
David Collins	SEANL



VISITOR REGISTRATION SHEET

EDUCATION - COMMUNITY COLLEGE

DATE: 4-4-2017

Visitors: Please sign below and return to Committee Clerk

<u>NAME</u>	<u>AGENCY</u>
Starnes	OST
J. Ayers	Ed Consultant
Lisa Chapman	NCCCS
Mary Shipley	NCCCS
Phoebe Landon	MWC
Adam Pridemore	NCH
Kevin Wilkins	UC DPI
SAM WATTS	NC DST



Subject: <NCGA> House Education - Community Colleges Committee Meeting Notice for Wednesday, April 19, 2017 at 2:00 PM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Wednesday, April 19, 2017
TIME: 2:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Mark Brody Chairing

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 327</u>	NC Board of Proprietary Schools.	Representative Blackwell Representative Fraley Representative R. Turner
<u>HB 132</u>	High Achieving Tuition Scholarships.	Representative Elmore Representative McNeill Representative Howard
<u>HB 519</u>	Tri-County CC/Neighbor State In-State Tuition.	Representative Corbin

Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:06 PM on Wednesday, April 12, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Neva Helms (Committee Assistant)

--

This message was sent to you by Neva Helms (Rep. Mark Brody) (brody1a@ncleg.net) because you signed up



1

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Corrected #1: Additional Bills Added

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Wednesday, April 19, 2017
TIME: 2:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Mark Brody, Chairing

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 485</u> ✓	UNC & CC Credit/National Gd on SAD.	Representative G. Martin Representative Szoka Representative Grange Representative G. Martin Representative Szoka Representative Corbin
<u>HB 486</u> ✓	National Guard Tuition Assistance Program.	Representative Howard Representative Setzer Representative Henson Representative Elmore Representative S. Martin Representative Horn Representative Conrad Representative Brody Representative Elmore ✓ Representative McNeill ✓ Representative Howard Representative Blackwell Representative Fraley Representative R. Turner
<u>HB 519</u>	Tri-County CC/Neighbor State In-State Tuition.	
<u>HB 702</u> ✓	Seniors CC Tuition Waiver.	
<u>HB 646</u>	ApprenticeshipNC.	
<u>HB 132</u> ✓	High Achieving Tuition Scholarships.	
<u>HB 327</u>	NC Board of Proprietary Schools.	

Not Attending
Zachary

Rep Bradford -



TIME: 2:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Mark Brody Chairing

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 327</u>	NC Board of Proprietary Schools.	Representative Blackwell Representative Fraley Representative R. Turner
<u>HB 132</u>	High Achieving Tuition Scholarships.	Representative Elmore Representative McNeill Representative Howard
<u>HB 519</u>	Tri-County CC/Neighbor State In-State Tuition.	Representative Corbin

Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:06 PM on Wednesday, April 12, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Neva Helms (Committee Assistant)

--

This message was sent to you by Neva Helms (Rep. Mark Brody) (brodyla@ncleg.net) because you signed up to receive NC General Assembly Committee Notices by email. To unsubscribe, visit

<http://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewDLForm&sActionDetails=House%20Standing&sActionDetails2=H167>

<Add Meeting to Calendar_LINC_.ics>



Corrected #2: Remove Bills HB485 and HB486

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Wednesday, April 19, 2017
TIME: 2:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Mark Brody, Chairing

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 519</u>	Tri-County CC/Neighbor State In-State Tuition.	Representative Corbin
<u>HB 702</u>	Seniors CC Tuition Waiver.	Representative Howard Representative Setzer Representative Henson Representative Elmore Representative S. Martin Representative Horn Representative Conrad Representative Brody
<u>HB 646</u>	ApprenticeshipNC.	Representative Elmore Representative McNeill Representative Howard Representative Blackwell Representative Fraley Representative R. Turner
<u>HB 132</u>	High Achieving Tuition Scholarships.	
<u>HB 327</u>	NC Board of Proprietary Schools.	



Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 12:02 PM on Wednesday, April 19, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Neva Helms (Committee Assistant)



Corrected #3: Add Bills HB485 and HB486

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Wednesday, April 19, 2017
TIME: 2:00 PM
LOCATION: 1228/1327 LB
COMMENTS: Rep. Mark Brody, Chairing

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 519</u>	Tri-County CC/Neighbor State In-State Tuition.	Representative Corbin
<u>HB 702</u>	Seniors CC Tuition Waiver.	Representative Howard Representative Setzer Representative Henson Representative Elmore
<u>HB 646</u>	ApprenticeshipNC.	Representative S. Martin Representative Horn Representative Conrad Representative Brody
<u>HB 132</u>	High Achieving Tuition Scholarships.	Representative Elmore Representative McNeill Representative Howard
<u>HB 327</u>	NC Board of Proprietary Schools.	Representative Blackwell Representative Fraley Representative R. Turner
<u>HB 485</u>	UNC & CC Credit/National Gd on SAD.	Representative G. Martin Representative Szoka Representative Grange
<u>HB 486</u>	National Guard Tuition Assistance Program.	Representative G. Martin Representative Szoka



Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 9:56 AM on Wednesday, April 19, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Neva Helms (Committee Assistant)



House Committee Meeting on Education
COMMUNITY COLLEGES Wednesday, 4/19/17
2 pm 1228/1327

The House Committee on Community Colleges met Wednesday, April 19, 2017 at 2 pm in room 1327/1228 of the Legislative Building. Representative Brody presided over the meeting. After recognizing the Sergeant at Arms, he called the meeting to order. In attendance were Representatives Sauls, Brody, Holley, Alexander, Black, Clampitt, Garrison, Potts, Turner, and Williams.

Representative Brody opened the first order of business by calling upon Representative Grier Martin to introduce **HB 485** - UNC Comm College Credit for National Guard members. Following a brief overview of the bill, Representative Holley made a motion to pass the original bill as written. All voted in favor of the CS#1.

HB 486 Representative Brody called upon Representative Grier Martin to explain bill **HB 486** – National Guard Tuition Assistance Program. Following a brief overview of the bill, Representative Holley made a motion to pass the original bill as written. All voted in favor of the original bill.

HB 132 Representative Brody called upon Representative Elmore to discuss **HB 132 – High Achieving Tuition Scholarships**. After a brief overview, Representative Holley motioned for a vote for a favorable report. All voting in the affirmative, the bill passed in committee and has been **re-referred to Appropriations**.

HB 702 Representative Julia Howard was called upon to discuss HB 702, Seniors CC Tuition Waiver. Representative Potts discussed the PCS and line changes. Representative Alexander made a motion to pass the PCS with an unfavorable to the original. All voted in the affirmative.

HB 646 Representative Brody called upon Representative Susan Martin to explain **HB 646**- ApprenticeshipNC. Discussion was ensued with questions presented by Representatives Clampitt, Holley and Garrison. Community College President Jimmy Williamson explained details of collaboration between commerce and community colleges. Maureen Little, economic development VP for Comm Colleges explained further details of the working relationship. Representative Clampitt motioned for a favorable report to the PCS, unfavorable to original. Following the discussion, the vote was favorable to PCS with all voting in the affirmative. The **bill is re-referred to Appropriations**.

HB 519 - Tri County CC/Neighbor State In State Tuition was discussed next on the agenda. Representative Brody called upon Representative Corbin to discuss the bill. Two PCS's were introduced and voted upon to consider other counties to this bill. Discussion and questions were presented by Representative Holley, Garrison, and Clampitt. Elizabeth Grovenstein with Comm Colleges addressed the members concerning fiscal impact on the state tuition disparity by boarder counties. Representative Holley made a motion to **vote in favor of original bill, and vote unfavorable to PCS**.




Vote was 6 in favor of original bill, 5 opposing. Original bill was passed.

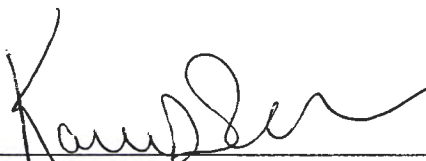
HB327 - Representative Fraley was called upon to explain HB 327, NC Board of Proprietary Schools. Fraley discussed the nature of the bill in regard to selecting the board of directors. Representative Garrison posed a question and Jimmy Williamson, President of the Community Colleges responded. After brief discussion, Representative Clampitt motioned for a favorable vote for the proposed committee substitute with 100% voting in the affirmative. **Referral to Finance Committee.**

At 3:00 pm With no further business, Representative Brody adjourned the meeting.

Respectfully Submitted By

A handwritten signature in dark ink, appearing to be 'M. Brody', written over a horizontal line.

Representative Mark Brody

A handwritten signature in dark ink, appearing to be 'Karen Rosser', written over a horizontal line.

Karen Rosser, Committee Clerk





AGENDA

2017- 2018 House Committee on Community Colleges

Date: **April 19, 2017**

Room: **1228/1327 LB**

Time: **2:00 pm**

Presiding: **Representative Mark Brody, Co-Chair**

AGENDA ITEMS

HB 519 Tri-County CC/ Neighbor State In-State Tuition
Representative Corbin

HB 702 Seniors CC Tuition Waiver
Representative Howard
Representative Setzer
Representative Henson
Representative Elmore

HB 485 UNC & CC Credit/ National Guard on SAD
Representative G. Martin
Representative Szoka
Representative Grange

HB 486 National Guard Tuition Assistance Program
Representative G. Martin
Representative Szoka

HB 646 Apprenticeship NC
Representative S. Martin
Representative Horn
Representative Conrad
Representative Brody

HB 132 High Achieving Tuition Scholarships
Representative Elmore
Representative McNeill
Representative Howard

HB 327 NC Board of Proprietary Schools
Representative Blackwell
Representative Fraley
Representative R. Turner

ADJOURNMENT



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT

Representative Mark Brody, Co-Chair

Representative John Sauls, Co-Chair

FAVORABLE

HB 485 (CS#1)	UNC & CC Credit/National Gd on SAD. Draft Number: None Serial Referral: None Recommended Referral: None Long Title Amended: No Floor Manager: G. Martin
HB 486	National Guard Tuition Assistance Program. Draft Number: None Serial Referral: None Recommended Referral: None Long Title Amended: No Floor Manager: G. Martin
HB 519	Tri-County CC/Neighbor State In-State Tuition. Draft Number: None Serial Referral: None Recommended Referral: None Long Title Amended: No Floor Manager: Corbin

FAVORABLE AND RE-REFERRED

HB 132	High Achieving Tuition Scholarships. Draft Number: None Serial Referral: APPROPRIATIONS Recommended Referral: None Long Title Amended: No Floor Manager: Elmore
--------	---

TOTAL REPORTED: 4





NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT
Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 702 Seniors CC Tuition Waiver.
Draft Number: H702-PCS40506-BE-15
Serial Referral: None
Recommended Referral: None
Long Title Amended: Yes
Floor Manager: Howard

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL AND RE-REFERRED

HB 646 ApprenticeshipNC.
Draft Number: H646-PCS10293-BE-12
~~Serial Referral:~~ **APPROPRIATIONS**
Recommended Referral: None
Long Title Amended: No
Floor Manager: S. Martin

TOTAL REPORTED: 2



* C M R 2 5 4 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT
Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 327

NC Board of Proprietary Schools.

Draft Number:	H327-PCS10291-TC-20
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Blackwell

Frsley

TOTAL REPORTED: 1



* C M R 2 5 8 - V - 1 *





HOUSE BILL 132: High Achieving Tuition Scholarships.

2017-2018 General Assembly

Committee:	House Education - Community Colleges. If favorable, re-refer to Appropriations	Date:	April 19, 2017
Introduced by:	Reps. Elmore, McNeill, Howard	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 132 would create the High Achieving Tuition Scholarship Program for top performing high school students attending North Carolina Community Colleges.*

BILL ANALYSIS: **Section 1** would create the High Achieving Tuition Scholarship Program (Program) and describe the purposes of the Program.

Section 2 would outline the eligibility requirements, which include: (i) a minimum unweighted GPA of 3.5 in the academic semester prior to enrolling in a community college from public or nonpublic high school in the State or a home school located in the State, (ii) evidence the student is either a United States citizen or eligible noncitizen (iii) resident of the State for tuition purposes, (iv) admission in a curriculum program at a community college, (v) compliance with Selective Service registration requirements, and (vi) an affirmative statement the student does not have a felony drug conviction.

Section 3 would authorize the State Education Assistance Authority (SEAA) to annually award High Achieving Tuition Scholarships (Scholarships) to all eligible students not to exceed the cost of 16 credit hours of tuition per academic semester for a maximum of four academic semesters. Students must complete a Free Application for Federal Student Aid (FAFSA) to be eligible for a Scholarship. The SEAA must reduce the amount of the Scholarship award by the amount of grants or scholarships received by a student from other state or federal sources. The SEAA would award Scholarships beginning with the fall semester of the 2018-2019 academic year to students graduating from high school in the 2017-2018 school year.

Section 4 would require the Scholarship to be renewed if the student (i) maintains a cumulative 3.0 GPA, (ii) completes a minimum of 30 semester credit hours by the end of the academic year, and (iii) makes an affirmative statement the student does not have a felony drug conviction.

Section 5 would require a Scholarship to be revoked at the conclusion of the first semester of an academic year if the student failed to maintain a course load of at least 12 credit hours or defaulted on a student financial aid program.

Section 6 would direct the SEAA to adopt rules for administering the Program.

Section 7 would require the community colleges to ensure that Scholarship recipients are provided counseling and assistance in selecting coursework and maintaining the necessary GPA. The State Board of Community Colleges (SBCC) would be required to ensure credits earned by participating students are transferable into constituent institutions of The University of North Carolina.

Section 8 would appropriate \$50,000 from the General Fund to the SEAA for the 2017-2018 fiscal year for administrative costs of implementation of the Program. The bill would appropriate \$2 million for the

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 132

Short Title: High Achieving Tuition Scholarships. (Public)

Sponsors: Representatives Elmore, McNeill, and Howard (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - K-12, if favorable, Education - Community Colleges, if favorable,
Appropriations

February 20, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE HIGH ACHIEVING TUITION SCHOLARSHIP PROGRAM FOR
3 SCHOLARSHIPS FOR TOP-PERFORMING HIGH SCHOOL STUDENTS ATTENDING
4 NORTH CAROLINA COMMUNITY COLLEGES AND TO APPROPRIATE FUNDS FOR
5 THAT PURPOSE.

6 The General Assembly of North Carolina enacts:

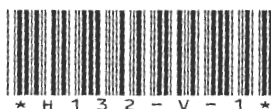
7 SECTION 1. Purpose of Program. – There is created the High Achieving Tuition
8 Scholarship Program. The purposes of the High Achieving Tuition Scholarship Program include
9 the following:

- 10 (1) Encourage higher-performing students at community colleges.
- 11 (2) Utilize the State's educational resources to the fullest.
- 12 (3) Create more educational and career options for students.
- 13 (4) Realize significant cost-savings to the State.
- 14 (5) Develop a more competitive workforce.

15 SECTION 2. Scholarship Eligibility. – A student shall be eligible to receive a High
16 Achieving Tuition Scholarship if the student meets all of the following requirements:

- 17 (1) In the academic semester prior to enrolling in a community college, graduates
18 with at least a 3.5 unweighted grade point average from either a (i) public high
19 school located in this State or (ii) a nonpublic high school or home school, as
20 defined in Article 39 of Chapter 115C of the General Statutes, located in this
21 State.
- 22 (2) Presents evidence the student is either a United States citizen or eligible
23 noncitizen.
- 24 (3) Qualifies as a resident of this State for tuition purposes, as provided in Article
25 14 of Chapter 116 of the General Statutes.
- 26 (4) Gains admission as a student at a North Carolina community college in a
27 curriculum program.
- 28 (5) Complies with Selective Service registration requirements.
- 29 (6) Affirmatively states the student does not have a felony conviction for a
30 controlled substance offense under Article 5 of Chapter 90 of the General
31 Statutes.

32 SECTION 3. Award of Scholarships. – The State Education Assistance Authority
33 (Authority) shall annually award High Achieving Tuition Scholarships to all eligible students in an
34 amount not to exceed the cost of 16 credit hours of tuition per fall or spring academic semester for





1 a maximum of four academic semesters. The Authority shall require students to complete a Free
2 Application for Federal Student Aid (FAFSA) to be eligible for a scholarship award and shall
3 reduce the amount of the scholarship award for any student by the amount of grants or
4 scholarships received by that student from other State or federal sources. The Authority shall
5 award scholarships to eligible students in the order in which they are received. The Authority shall
6 award scholarships beginning with the fall semester of the 2018-2019 academic year to students
7 graduating from high school in the 2017-2018 school year.

8 **SECTION 4. Scholarship Renewal.** – A scholarship awarded to an eligible student
9 shall be annually renewed if the student demonstrates all of the following:

- 10 (1) A cumulative 3.0 grade point average.
- 11 (2) Completion of a minimum of 30 semester credit hours by the end of the
12 academic year.
- 13 (3) An affirmative statement the student does not have a felony conviction for a
14 controlled substance offense under Article 5 of Chapter 90 of the General
15 Statutes.

16 **SECTION 5. Scholarship Revocation.** – A scholarship awarded to an eligible student
17 shall be revoked at the conclusion of the first semester of an academic year for any of the
18 following:

- 19 (1) Failure to maintain a course load of at least 12 credit hours.
- 20 (2) Default or unpaid refund on a student financial aid program.

21 **SECTION 6. Scholarship Administration.** – The Authority shall adopt rules for
22 administration of the High Achieving Tuition Scholarship Program.

23 **SECTION 7. Course Counseling and Transfer.** – Community colleges shall ensure
24 that scholarship recipients are provided counseling and assistance in maintaining the necessary
25 grade point averages and selecting coursework that reflects their educational and career goals. For
26 students planning to enter a constituent institution of The University of North Carolina, the State
27 Board of Community Colleges shall ensure that credits earned by those students participating in
28 the program are transferable.

29 **SECTION 8.** There is appropriated from the General Fund to the Board of Governors
30 of The University of North Carolina the sum of fifty thousand dollars (\$50,000) for the 2017-2018
31 fiscal year to be allocated to the Authority for administrative costs related to the implementation of
32 the High Achieving Tuition Scholarship Program. There is appropriated from the General Fund to
33 the Board of Governors of The University of North Carolina the sum of two million dollars
34 (\$2,000,000) for the 2018-2019 fiscal year to be allocated to the Authority for administrative costs
35 and award of scholarships. The Authority may use up to five percent (5%) of the appropriated
36 funds for administrative costs associated with the Program. Any unexpended funds for the
37 purposes set forth in this section shall not revert at the end of each fiscal year but shall remain
38 available to award scholarships to eligible students.

39 **SECTION 9.** The Board of Governors of The University of North Carolina shall
40 adopt a policy to permit any student admitted to a constituent institution who receives a High
41 Achieving Tuition Scholarship to defer admission to the constituent institution for two years,
42 beginning with the 2018-2019 academic year. Deferred admission shall be contingent upon the
43 successful completion of an associate's degree and remaining in good standing in the Scholarship
44 Program while enrolled in the community college.

45 **SECTION 10.(a)** For the 2017-2018 school year, the State Board of Education shall
46 direct local boards of education to survey high school students in their senior year who meet the
47 eligibility requirements of the High Achieving Tuition Scholarship Program to determine interest
48 in the program, including numbers of students who intend to apply for the scholarship, and reasons
49 that eligible students may choose not to apply for the scholarship. The State Board of Education
50 shall report to the Joint Legislative Education Oversight Committee no later than December 15,
51 2017, on the results of this survey.



Board of Governors of The University of North Carolina shall jointly identify and report to the Joint Legislative Education Oversight Committee by April 1, 2020, on potential issues related to the transition of students from community college to university enrollment and expand the High Achieving Tuition Scholarship Program.

The Education Assistance Authority shall report annually by April 1, 2020, to the Joint Legislative Education Oversight Committee on the High Achieving Tuition Scholarship Program. The report shall include:

- the number of students applying for the scholarship, including information about their academic achievement and geographic location.
- the number of students awarded the scholarship, including information about their academic achievement and geographic location, and community college enrollment.

• the number of scholarships awarded for scholarships.

• the number of scholarships that were revoked and reasons for revocation.

• any other information as determined by the Authority.

Effective July 1, 2017.





HOUSE BILL 327: NC Board of Proprietary Schools.

2017-2018 General Assembly

Committee: House Education - Community Colleges
Introduced by: Reps. Blackwell, Fraley, R. Turner
Analysis of: PCS to First Edition
H327-CSTC-20

Date: April 19, 2017
Prepared by: Kara McCraw
Staff Attorney

OVERVIEW: *HB 327 would establish the North Carolina Board of Proprietary Schools as an independent licensing board, recodify existing statutes currently controlling proprietary schools, and make additional changes to those statutes.*

The PCS for HB 327 would establish the fees that may be charged by the Board and make other technical changes.

CURRENT LAW: Article 8 of the Chapter 115D provides for licensure of education institutions with a physical presence in the State that educate or train students in vocational programs leading towards professional licensure, employment, or a postsecondary degree below the associate level (proprietary schools) under the authority of the State Board of Community Colleges (SBCC), acting by and through the State Board of Proprietary Schools (SBPS).

The State Board of Proprietary Schools has the following members:

- The President of the North Carolina Community College System or the President's designee.
- Two members appointed by the Governor.
- Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.
 - One appointee must be the owner or director of a proprietary school licensed in the State with less than 100 total annual enrollment of students.
 - One appointee must be the owner or director of a proprietary school or group of proprietary schools licensed in the State with more than 750 total annual enrollment of students.
- Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
 - One appointee must be the owner or director of a proprietary school licensed in the State with between 100 and 750 total annual enrollment of students.
 - One appointee must be the owner or director of a proprietary school licensed in the State.

Licensed proprietary schools must file bonds that meet certain criteria payable to the State Board of Community Colleges when initial licensed and with each of the first 4 renewals. Schools in operation for more than 5 years must file guaranty bonds meeting certain criteria.

Proprietary schools must also pay assessments to the Student Protection Fund to compensate students enrolled in proprietary schools that have suffered losses in certain education expenses due to the failure

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 327*

Short Title: NC Board of Proprietary Schools.

(Public)

Sponsors: Representatives Blackwell, Fraley, and R. Turner (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges, if favorable, Finance, if favorable,
Appropriations

March 14, 2017

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE NORTH CAROLINA PROPRIETARY SCHOOL LICENSURE
ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 115D of the General Statutes is repealed.

SECTION 2. The General Statutes are amended by adding a new Chapter to read:

"Chapter 115F.

"North Carolina Proprietary School Licensure Act.

"§ 115F-1. Short title.

This Chapter shall be known as the "North Carolina Proprietary School Licensure Act."

"§ 115F-2. Purpose.

The purpose of this Chapter is to provide for the establishment, organization, and administration of educational institutions having a physical presence in North Carolina that educate or train students in vocational programs leading toward professional licensing examination, employment, or a postsecondary degree below the associate level. The major purpose of each institution operating under this Chapter shall be to provide a quality education through a sustained curriculum equal to that prescribed for similar public schools and educational institutions of the State that have met the standards set forth by the North Carolina Board of Proprietary Schools, including course offerings, adequate facilities, financial stability, competent personnel, and legitimate operating practices.

"§ 115F-3. Definitions.

The following definitions apply in this Chapter:

- (1) Board. – North Carolina Board of Proprietary Schools.
- (2) Catastrophic loss amount. – Funds in the amount of one million five hundred thousand dollars (\$1,500,000) to protect prepaid student tuition in case of a large-scale event that would draw against the Student Protection Fund.
- (3) Commercial Education Fund. – The Fund established in G.S. 115F-8.
- (4) Distance education. – Education, training courses, or programs delivered to a student who is geographically separate from the instructor. Distance education shall not include education, training courses, or programs delivered by institutions licensed under G.S. 116-15. Delivery systems employed by a proprietary school may include (i) correspondence, (ii) classroom instruction, (iii) instruction provided in hotels or other temporary dwelling units or areas, or (iv) electronic communications.





or which may offer, one or more courses covered in this Chapter, provided that the tuition, fees, and charges, if any, made by such university, college, high school, or State institution shall be collected by their regular officers in accordance with the rules prescribed by the board of trustees or governing body of such university, college, high school, or State institution.

(8) Any institution exempt from licensure pursuant to G.S. 116-15(c).

"§ 115F-5. North Carolina Board of Proprietary Schools.

(a) There is established the North Carolina Board of Proprietary Schools located administratively within the Department of Administration, but the Board shall exercise all its prescribed powers independently of the Department of Administration. The Board shall consist of seven members appointed or serving ex officio as follows:

(1) Two members appointed by the Governor.

(2) Two members appointed upon recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121, as follows:

a. One member who is the owner or director of a proprietary school licensed in the State with a total annual enrollment of fewer than 100 students.

b. One member who is the owner or director of a proprietary school or group of proprietary schools licensed in the State with a total annual enrollment of more than 750 students.

(3) Two members appointed upon recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121, as follows:

a. One member who is the owner or director of a proprietary school licensed in the State with a total annual enrollment between 100 and 750 students.

b. One member who is the owner or director of a proprietary school licensed in the State.

(4) The President of the North Carolina Community College System or the President's designee.

(b) Members appointed pursuant to subsection (a) of this section shall possess (i) a demonstrated history of experience related to a proprietary school or public postsecondary education, (ii) an understanding of standards of quality in postsecondary education, and (iii) a leadership background beyond the leadership experience demonstrated at a particular proprietary school.

(c) Appointments for all members shall be for terms of four years beginning on January 1. Appointed members may be reappointed but shall not serve more than two consecutive terms of four years. Vacancies among appointed members shall be filled by the appointing entity and shall be for the remainder of the vacant term. Vacancies appointed by the General Assembly shall be filled in accordance with G.S. 120-122.

(d) The Board shall elect from the appointed members a chair and a vice-chair for terms of two years. A chair or vice-chair may serve no more than two consecutive terms in that role.

(e) No member of the General Assembly, spouse of a member of the General Assembly, or officer or employee of the State shall be eligible to serve on the Board as an appointed member.

(f) The Board may declare vacant the office of a member who does not attend three consecutive scheduled meetings without justifiable excuse. The chair shall notify the appropriate appointing authority of any such vacancy.

(g) The Board shall meet at stated times established by the Board but not less frequently than four times a year. Special meetings of the Board may be set at any regular meeting or may be called by the chair. A majority of the appointed members of the Board shall constitute a quorum for the transaction of business.



1 (h) Members of the Board shall receive such per diem compensation and necessary travel
2 and subsistence expenses while engaged in the official discharge of the official duties as provided
3 in G.S. 93B-5.

4 **"§ 115F-6. Powers and duties of the Board.**

5 The Board shall have the following powers and duties:

- 6 (1) Administer and enforce the provisions of this Chapter, including all of the
7 following powers:
 - 8 a. Have the powers of a body corporate, including the power to make
9 contracts and to alter the same as may be deemed expedient.
 - 10 b. Be authorized and empowered to rent and lease such property, real or
11 personal, as the Board may deem proper to carry out the purposes and
12 provisions of this Chapter, all or any of them.
 - 13 c. Establish an office for the transaction of its business at such place or
14 places as, in the opinion of the Board, shall be advisable or necessary in
15 carrying out the purposes of this Chapter.
 - 16 d. Be authorized and empowered to pay from the Commercial Education
17 Fund all necessary costs and expenses involved in and incident to the
18 formation, organization, and administration of the Board and all other
19 costs and expenses reasonably necessary or expedient in carrying out
20 and accomplishing the purposes of this Chapter.
 - 21 e. Be authorized and empowered to do any and all other acts and things in
22 this Chapter authorized or required to be done, whether or not included
23 in the general powers listed in this section.
- 24 (2) Adopt rules in accordance with Chapter 150B of the General Statutes as may be
25 necessary to administer the provisions of this Chapter.
- 26 (3) Grant and issue licenses to proprietary schools whose sustained curriculum is of
27 a grade equal to that prescribed for similar public schools and educational
28 institutions of the State and that have met the standards set forth by the Board,
29 including offerings, adequate facilities, financial stability, competent personnel,
30 and legitimate operating practices.
- 31 (4) Formulate the criteria and the standards for the approval of proprietary schools.
- 32 (5) Provide for adequate investigations of all proprietary schools applying for a
33 license. The Board shall not contract with or employ a person who is employed
34 by a proprietary school licensed by the Board to serve as an investigator or
35 inspector.
- 36 (6) Issue licenses to those applicants meeting the standards adopted by the Board.
- 37 (7) Maintain a list of schools licensed under the provisions of this Chapter and
38 make that list available for inspection by the public.
- 39 (8) Provide for periodic inspection of all schools licensed under the provisions of
40 this Chapter.
- 41 (9) Oversee the proprietary schools in the State in order to protect the health,
42 safety, and welfare of the public by requiring the proprietary schools to
43 maintain adequate, safe, and sanitary school locations, sufficient and proper
44 facilities and equipment, sufficient and qualified teaching and administrative
45 staff, and satisfactory programs of operation and instruction and to require
46 proprietary schools to carry out advertised promises and contracts made with its
47 students and patrons.
- 48 (10) Request any occupational licensing or approving board or agency in this State
49 to adopt rules requiring the approval of that board or agency for a course of
50 study. Under these rules, the board or agency shall pass on the adequacy of



equipment, curricula, and instructional personnel. The Board may deny approval to a course of study that is not approved by such board or agency.

- (11) Pursuant to the maximum amounts set forth by this Chapter and other specific authority authorizing fees, establish reasonable fees related to the approval and operation of proprietary schools.

"§ 115F-7. Office of Proprietary Schools.

(a) The Board shall establish an Office of Proprietary Schools as its principal administrative unit staffed with full-time State employees as provided by this section. The Board shall employ an executive director of the Office of Proprietary Schools, who shall serve as chief administrative officer. The Board may contract with an outside consultant to serve as the executive director. The compensation of this position shall be fixed by the Board from funds provided by fees deposited in the Commercial Education Fund.

(b) The Board may hire other employees as it deems necessary to carry out the provisions of this Chapter. The compensation of the staff members hired by the Board shall be fixed by the Board upon recommendation of the executive director of the Office of Proprietary Schools.

(c) Each year, at a time designated by the Board, the executive director of the Office of Proprietary Schools shall submit a written report to the Board and the State Board of Community Colleges containing the following information:

- (1) The number of schools receiving initial licenses during the previous year.
- (2) A list of all licensed proprietary schools operating in the State.
- (3) Any school closures during the previous year, including a complete report of actions concerning any catastrophic closures.
- (4) Any complaints received and the resulting decisions or actions on the complaints.
- (5) The total fees collected.
- (6) The balances of the Commercial Education Fund and the Student Protection Fund.
- (7) A recommendation for the annual projected operating budget.
- (8) If applicable, a recommendation for an adjustment to the catastrophic loss amount or cap amount for the Student Protection Fund.

"§ 115F-8. Authority to establish and collect fees; Commercial Education Fund; refund of fees.

(a) The Board shall establish reasonable fees for applications, initial licensure, license renewal, and inspections performed of proprietary schools pursuant to this Chapter in accordance with Article 2A of Chapter 150B of the General Statutes. All fees and other moneys collected and received by the Board shall be used for the purposes of implementing this Chapter. In no case shall any salary, expense, or other obligation of the Board be charged against the General Fund.

(b) There is established the Commercial Education Fund as a special fund consisting of fees collected pursuant to this Chapter. Moneys in the Fund shall be used under the supervision and direction of the Board for the administration of this Chapter.

(c) No fee shall be refunded in the event an application is rejected or if a license is suspended or revoked.

"§ 115F-9. License required; application for license; school bulletins; requirements for issuance of license; license restricted to courses indicated; supplementary applications.

(a) No person shall operate, conduct, or maintain or offer to operate in this State a proprietary school unless a license is first secured from the Board granted in accordance with the provisions of this Chapter and the rules adopted by the Board. The license, when issued, shall constitute the formal acceptance by the Board of the educational programs and facilities of each school approved.



(b) If a proprietary school has physical locations and offers classes in more than one county in the State, the school's operation in each county shall constitute a separate proprietary school for the purposes of licensure under this Chapter.

(c) Application for a license shall be filed in the manner and upon the forms prescribed and furnished by the Board for that purpose. The application shall be signed by the applicant and properly verified and shall contain the following information as may apply to the particular proprietary school for which a license is sought:

- (1) The title or name of the school or classes and the names and addresses of the owners and of the controlling officers of the school.
- (2) The general field of instruction.
- (3) The place or places where the instruction shall be given.
- (4) A specific listing of the equipment available for instruction in each field.
- (5) The qualifications of instructors and supervisors.
- (6) Financial resources available to equip and to maintain the school or classes.
- (7) A copy of the current bulletin or catalog of the school, which shall be in published form and certified by an authorized official of the school as being current, true, and correct in content and policy. The school bulletin shall contain the following information:
 - a. Identifying data, such as volume number and date of publication.
 - b. Names of the school and its governing body, officials, and faculty.
 - c. A calendar of the school showing legal holidays, beginning and ending dates of each quarter, term, or semester, and other important dates.
 - d. Policy and regulations relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance.
 - e. Policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course.
 - f. Policy and regulations relative to standards of progress required of the student by the school. This policy must define (i) the grading system of the school, (ii) the minimum grades considered satisfactory, (iii) conditions for interruption for unsatisfactory grades or progress and description of the probationary period, if any, allowed by the school, and (iv) conditions of reentrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding progress records kept by the school and furnished to the student.
 - g. Policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct.
 - h. Detailed schedule of fees; charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, and deposits; and all other charges.
 - i. Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter or withdraws from a course or a course is discontinued. The policy and regulations shall provide for, at a minimum, a full refund if a student withdraws before the first day of class or the school cancels the class and a seventy-five percent (75%) refund if the student withdraws within the first twenty-five percent (25%) of the period of enrollment for which the student was charged.
 - j. A description of the available space, facilities, and equipment.
 - k. A course outline for each course for which approval is requested, showing:
 1. Subjects or units in the course.



2. Type of skill to be learned.
 3. Approximate time in clock hours, credit hours, or credit hours equivalent, as appropriate, to be spent on each subject or unit.
 4. Policy and regulations for granting credit for previous educational training.
- (8) Any additional information as the Board may deem necessary to enable it to determine the adequacy of the program of instruction and whether the standards for licensure adopted by the Board have been met.
- (d) After reasonable investigation and consideration on the part of the Board, a license shall be granted to the proprietary school when it is shown to the satisfaction of the Board that the applicant, school, and programs of study or courses are found to have met at least the following criteria:
- (1) Courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.
 - (2) Adequate space, equipment, instructional material, and instructor personnel are available to students to provide training of good quality.
 - (3) Education and experience qualifications of the director, administrators, and instructors are adequate.
 - (4) The school maintains a written record of the previous education and training of the student.
 - (5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy, and the rules of operation and conduct shall be furnished to the student upon enrollment.
 - (6) Upon completion of training, the student is given a certificate or diploma by the school for work in the approved course or subjects that indicates the training was satisfactorily completed.
 - (7) Adequate records as prescribed by the Board are kept to show student attendance, progress, or grades, and that satisfactory standards relating to attendance, progress, and conduct are enforced.
 - (8) The school complies with all local, city, county, municipal, State, and federal laws and regulations, including fire codes and building and sanitation codes. The Board may require evidence of compliance as is deemed necessary.
 - (9) The school is financially sound and capable of fulfilling its commitments for training.
 - (10) The school does not exceed its enrollment limitation as established by the Board.
 - (11) The school does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation.
 - (12) The school's administrators, directors, owners, and instructors are of good reputation and character.
 - (13) Any additional criteria as may be deemed necessary by the Board.
- (e) Any license issued to a proprietary school shall be restricted to the programs of instruction or courses or subjects specifically indicated in the application for a license. The holder of a license shall present a supplementary application as may be directed by the Board for approval of additional programs of instruction, courses, or subjects in which it seeks to offer instruction during the effective period of the license.
- "§ 115F-10. Duration and renewal of licenses; notice of changes, including ownership and administration; license not transferable.**
- (a) All licenses issued to a proprietary school by the Board shall expire on June 30 each year.



1 (b) Unless otherwise prescribed by the Board, licenses shall be renewable annually on July
2 1 of each year if all of the following conditions are met:

- 3 (1) An application for the renewal of the license has been filed in the form and
4 manner prescribed by the Board.
5 (2) The renewal fee has been paid in full.
6 (3) The school and its courses, facilities, faculty, and all other operations are found
7 to meet the criteria set forth in the requirements for a school to secure an initial
8 license under this Chapter.

9 (c) After a license is granted to any proprietary school by the Board on the basis of its
10 application, the school shall notify the Board immediately of any material changes to the operation
11 of the school or its courses or programs as set forth in the application, including changes in the
12 ownership, administration, location, faculty, or the instructional program or other changes as may
13 affect significantly the course of instruction offered.

14 (d) In the event of the sale or transfer of a proprietary school, a license granted to the
15 original owner or operators of a proprietary school shall not be transferable to subsequent owners
16 or operators. The Board may issue a 90-day, temporary operating license to a proprietary school
17 upon its sale or transfer if the school held a valid, current license prior to the sale or transfer and if
18 the Board finds that the school is likely to qualify after the sale or transfer for a license under this
19 Chapter.

20 **"§ 115F-11. Suspension, revocation, or refusal of license; notice and hearing; judicial**
21 **review; grounds.**

22 (a) A refusal to issue, refusal to renew, suspension of, or revocation of a license by the
23 Board for a proprietary school under this section shall be subject to the provisions of Article 3 of
24 Chapter 150B of the General Statutes.

25 (b) A decision by the Board under this section to refuse to grant, refuse to renew, suspend,
26 or revoke a license for a proprietary school shall be subject to judicial review in accordance with
27 Article 4 of Chapter 150B of the General Statutes.

28 (c) The Board shall have the power to refuse to issue or renew any license and to suspend
29 or revoke any license issued to a proprietary school if the Board finds that an applicant for a
30 proprietary school or the holder of a proprietary school license has done one or more of the
31 following:

- 32 (1) Violated any of the provisions of this Chapter or any of the rules promulgated
33 by the Board for the administration of this Chapter.
34 (2) Knowingly presented to the Board false or misleading information relating to
35 approval or renewal of a license.
36 (3) Failed or refused to permit authorized representatives of the Board to inspect
37 the school or refused to make available to them at any time upon request full
38 information pertaining to matters within the purview of the Board under the
39 provisions of this Chapter.
40 (4) Perpetrated or committed fraud or deceit in advertising the school or in
41 presenting to the prospective students written or oral information relating to the
42 school, to employment opportunities, or to opportunities for enrollment in other
43 schools upon completion of the instruction offered in the school.
44 (5) Pled guilty, entered a plea of nolo contendere, or been found guilty of a crime
45 involving moral turpitude by a judge or jury in any state or federal court.
46 (6) Failed to provide or maintain premises, equipment, or conditions in a safe and
47 sanitary manner in accordance with such standards of the State or any of its
48 political subdivisions as are applicable to the premises and equipment.
49 (7) During the licensure period, employed teachers, supervisors, or administrators
50 who had not been approved by the Board.



- 1 (8) During the licensure period, failed to provide and maintain adequate premises,
2 equipment, materials, or supplies or exceeded the maximum enrollment for
3 which the school or class was licensed.
4 (9) During the licensure period, failed to provide and maintain adequate standards
5 of instruction or an adequate and qualified administrative, supervisory, or
6 teaching staff.
7 (10) Failed to pay license or renewal fees.
8 (11) Failed to provide a required bond or bond alternative.
9 (12) Failed to pay assessments into the Student Protection Fund.

10 **"§ 115F-12. Bonds required.**

11 (a) An applicant for a proprietary school license shall comply with the bond requirements
12 set forth in this section. The bond shall cover the potential loss by students of the proprietary
13 school of prepaid tuition and other payments made by them to a school licensed under this Chapter
14 by reason of the school ceasing to operate for any reason, including bankruptcy, foreclosure, or the
15 suspension, revocation, or nonrenewal of a school's license.

16 (b) An applicant for a proprietary school license shall file a bond with the Board executed
17 by the applicant as a principal and by a bonding company authorized to do business in this State.
18 The bond shall be payable to the Board, shall be conditioned on fulfillment of the school's
19 obligations, and shall remain in effect until cancelled by the bonding company. The bonding
20 company may cancel the bond upon 30 days' written notice to the Board.

21 (c) The application for a proprietary school initial license or renewal shall set forth the
22 calculations made by the applicant to determine the amount of bond required with the application.
23 The required amount shall be determined as follows:

- 24 (1) Initial licensure. – For an applicant for initial licensure of a school, the bond
25 amount shall be the amount determined by the Board that is adequate to provide
26 indemnification to any student or student's parent or guardian who has suffered
27 a loss of tuition, fees, or any other instructional-related expenses paid to the
28 school. A bond amount shall be at least twenty-five thousand dollars (\$25,000).
29 (2) First five license renewals. – For the first five license renewal applications of a
30 school, the bond shall be in an amount equal to the greatest amount of unearned
31 paid tuition in the school's possession at any time during the prior fiscal year.
32 The bond amount shall be evaluated by the school quarterly and reported to the
33 Board. A quarterly evaluation requiring an increase of five percent (5%) or
34 more in the amount of the bond held by the school shall require an immediate
35 increase in the bond amount.
36 (3) Renewal for schools licensed at least six continuous years. – A guaranty bond
37 shall be required for license renewal for a school that has been continuously
38 licensed to operate for at least six years in the State, as follows:
39 a. If the balance of the Student Protection Fund is below the catastrophic
40 loss amount, the school shall file a guaranty bond in an amount equal to
41 the maximum amount of prepaid tuition held by the school during the
42 prior fiscal year multiplied by the percentage of the amount the fund is
43 deficient.
44 b. If the school held prepaid tuition in excess of the catastrophic loss
45 amount during the prior fiscal year, in addition to any bond amount
46 required by sub-subdivision a. of this subdivision, the school shall file a
47 guaranty bond for the difference between the prepaid tuition amount
48 held in the previous fiscal year and the catastrophic loss amount.

49 Notwithstanding the amounts set forth in this subsection, the Board may require any licensed
50 school to increase its bond if it determines the increase is necessary to provide indemnification to



any student or a student's parent or legal guardian who may suffer a loss of tuition, fees, or any other instructional-related expenses paid to the school.

(d) An applicant for a proprietary school license who is unable to secure a bond may seek a waiver of the guaranty bond from the Board and approval of one of the guaranty bond alternatives set forth in this subsection. With the approval of the Board, an applicant may obtain in lieu of a bond any of the following:

(1) An assignment of a savings account in an amount equal to the bond required (i) that is in a form acceptable to the Board, (ii) that is executed by the applicant, (iii) that is executed by a state or federal savings and loan association, state bank, or national bank that is doing business in North Carolina and whose accounts are insured by a federal depositors corporation, and (iv) for which access to the account in favor of the State is subject to the same conditions as for a bond in subsection (c) of this section.

(2) A certificate of deposit (i) that is executed by a state or federal savings and loan association, state bank, or national bank that is doing business in North Carolina and whose accounts are insured by a federal depositors corporation, (ii) that is payable to North Carolina, (iii) that, if a negotiable certificate of deposit, is unrestrictedly endorsed to the Board or, if a nonnegotiable certificate of deposit, is assigned to the Board in a form satisfactory to the Board, and (iv) for which access to the certificate of deposit in favor of the State is subject to the same conditions as for a bond in subsection (c) of this section.

"§ 115F-13. Student Protection Fund; payments; assessments.

(a) The Student Protection Fund is established in the Department of State Treasurer as a statewide fee-supported fund collected pursuant to this section. Interest accruing to the Student Protection Fund shall be credited to the Fund. The Board shall administer the Student Protection Fund in accordance with this section. The purpose of the Student Protection Fund is to compensate students enrolled in a proprietary school licensed under this Chapter who have suffered a loss of tuition, fees, or any other instructional-related expenses paid to the school by reason of the failure of the school to offer or complete student instruction, academic services, or other goods and services related to course enrollment if the school ceases to operate for any reason, including bankruptcy, foreclosure, or the suspension, revocation, or nonrenewal of a school's license.

(b) Prior to its first year of operation in the State, each proprietary school shall pay an initial amount of one thousand two hundred fifty dollars (\$1,250) into the Student Protection Fund.

(c) Each proprietary school operating in the State shall pay annually into the Student Protection Fund an amount based on its annual gross tuition revenue generated in the State as follows:

<u>Annual Gross Tuition Revenue</u>	<u>Amount of Assessment</u>
\$1.00 – \$25,000	\$200.00
\$25,001 – \$50,000	\$250.00
\$50,001 – \$100,000	\$300.00
\$100,001 – \$200,000	\$400.00
\$200,001 – \$300,000	\$500.00
\$300,001 – \$400,000	\$600.00
\$400,001 – \$500,000	\$700.00
\$500,001 – \$750,000	\$1,000
\$750,001 – \$1,000,000	\$1,250
\$1,000,001 – \$1,500,000	\$1,500
\$1,500,001 – \$2,000,000	\$2,000
Greater than \$2,000,000	\$2,000 plus one-twentieth of one percent



(.05%) of annual gross tuition revenue over \$2,000,000.

(d) If the Student Protection Fund balance is equal to or exceeds the fund cap amount, the Board shall suspend payments into the Fund for schools that have been continuously licensed in the State for more than eight years. The Board shall require schools to resume payments into the Student Protection Fund if the balance of the Fund is less than the catastrophic loss amount.

(e) If claims against the Student Protection Fund exceed the catastrophic loss amount, the Board may assess additional fees to the extent necessary to compensate students qualified for repayment under the Fund. The amount of the catastrophic assessment shall not exceed one-half of the amount of the annual revenue payment required by subsection (c) of this section. If the amount of the catastrophic assessment is insufficient to cover qualified claims, the Board shall develop a method of allocating funds among claims.

(f) The full and timely payment into the Student Protection Fund pursuant to this section is a condition of licensure.

(g) No payment to the Student Protection Fund shall be refunded in the event that a school's license application is rejected or a school's license is suspended or revoked.

(h) A student or the student's parent or guardian who has suffered a loss of tuition, fees, or any other instructional-related expenses paid to a proprietary school licensed under this Chapter by reason of the school ceasing to operate for any reason, including bankruptcy, foreclosure, or the suspension, revocation, or nonrenewal of a school's license may qualify for repayments under the Student Protection Fund. The Board first must issue repayment from the bonds issued under G.S. 115F-12. If the Student Protection Fund is insufficient to cover the qualified claims, the Board shall develop a method of allocating funds among claims.

(i) The Board shall adopt rules for the implementation of this section.

"§ 115F-14. Contracts with unlicensed schools and evidences of indebtedness made null and void.

All contracts entered into by a proprietary school with students or prospective students and all promissory notes or other evidence of indebtedness taken in lieu of cash payments by a proprietary school shall be null and void unless the school is duly licensed as required by this Chapter.

"§ 115F-15. Operating school without license or bond; misdemeanor.

Any person, or a member of any association of persons or an officer of any corporation, who opens and operates a proprietary school without first obtaining the license required by this Chapter, executing the bond required under G.S. 115F-12, and paying the assessments into the Student Protection Fund under G.S. 115F-13 shall be guilty of a Class 3 misdemeanor. Each day the school continues to be open and operated shall constitute a separate offense.

"§ 115F-16. Enforcement; injunctive relief; civil penalties; disciplinary costs.

(a) The Board or the Board's authorized representatives may make application to superior court for an order enjoining a violation of this Chapter. Upon a showing by the Board that a person has violated or is about to violate this Chapter, the court may grant an injunction or restraining order or take any further action it deems appropriate. The court is empowered to grant the requested relief regardless of whether criminal prosecution or other actions have been or may be instituted as a result of the violation. Actions under this section shall be brought in the county where the defendant resides or maintains his or her principal place of business or where the alleged acts occurred.

(b) The Board may assess a civil penalty not in excess of one thousand dollars (\$1,000) for the violation of any section of this Chapter or the violation of any rules adopted by the Board to implement this Chapter. The continuation of the same act for which the penalty is imposed shall not be the basis for an additional penalty unless the penalty is imposed against the same party who has repeated the same act for which the discipline has previously been imposed. The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. The Board shall establish a schedule of civil



penalties for violations of this Chapter. The assessment of civil penalties shall be subject to the provisions of Article 3 of Chapter 150B of the General Statutes.

(c) Before imposing and assessing a civil penalty under this section, the Board shall consider at least the following factors:

(1) The nature, gravity, and persistence of the particular violation.

(2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.

(3) Whether the violation was willful and malicious.

(4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(d) The Board may assess the costs of enforcement actions taken under this Chapter, including reasonable attorneys' fees, and transcriptions of a disciplinary hearing held by the Board or the Office of Administrative Hearings, to include the recording of the hearing by a court reporter and transcription of the proceeding against any person found to be in violation of this Chapter or rules adopted by the Board."

SECTION 3. G.S. 86A-22(7)a. reads as rewritten:

"(7) a. Each school shall provide a guaranty bond unless the school has already provided a bond or an alternative to a bond under ~~G.S. 115D-95.~~G.S. 115F-12.

The North Carolina State Board of Barber Examiners may revoke the approval of a school that fails to maintain a bond or an alternative to a bond pursuant to this subdivision or ~~G.S. 115D-95.~~G.S. 115F-12."

SECTION 4. G.S. 88B-17(a) reads as rewritten:

"(a) Each private cosmetic art school shall provide a guaranty bond unless the school has already provided a bond or an alternative to a bond under ~~G.S. 115D-95.~~G.S. 115F-12. The Board may restrict, suspend, revoke, or refuse to renew or reinstate the license of a school that fails to maintain a bond or an alternative to a bond pursuant to this section or ~~G.S. 115D-95.~~G.S. 115F-12."

SECTION 5. G.S. 90-171.55(b)(1) reads as rewritten:

"(b) (1) Each nurses aide training program, except for those operated by (i) institutions under the Board of Governors of The University of North Carolina, (ii) institutions of the North Carolina Community College System, (iii) public high schools, and (iv) hospital authorities acting pursuant to G.S. 131E-23(31), shall provide a guaranty bond unless the program has already provided a bond or an alternative to a bond under ~~G.S. 115D-95.~~G.S. 115F-12. The Board of Nursing may revoke the approval of a program that fails to maintain a bond or an alternative to a bond pursuant to this subsection or ~~G.S. 115D-95.~~G.S. 115F-12."

SECTION 6. G.S. 93A-32(2) reads as rewritten:

"(2) "Private real estate school" means any real estate educational entity which is privately owned and operated by an individual, partnership, corporation, limited liability company, or association, and which conducts, for a profit or tuition charge, real estate broker prelicensing or postlicensing courses prescribed by G.S. 93A-4(a) or (a1), provided that a proprietary business or trade school licensed by the State ~~North Carolina~~ Board of ~~Community Colleges~~ Proprietary Schools under ~~G.S. 115D-90.~~G.S. 115F-9 to conduct courses other than those real estate courses described herein shall not be considered to be a private real estate school."

SECTION 7. G.S. 116-15 reads as rewritten:

"§ 116-15. Licensing of certain nonpublic post-secondary educational institutions.



(a1) The General Assembly of North Carolina in recognition of the importance of higher education and of the particular significance attached to the personal credentials accessible through higher education and in consonance with statutory law of this State making unlawful any "unfair or deceptive acts or practices in the conduct of any trade or commerce," hereby declares it the policy of this State that all institutions conducting post-secondary degree activity in this State that are not subject to Chapter ~~115 or 115D~~ 115, 115D, or 115F of the General Statutes, nor some other section of Chapter 116 of the General Statutes shall be subject to licensure under this section except as the institution or a particular activity of the institution may be exempt from licensure by one or another provision of this section.

...

(f1) (1) A guaranty bond is required for each institution that is licensed. The Board may revoke the license of an institution that fails to maintain a bond pursuant to this subsection.

If the institution has provided a bond pursuant to ~~G.S. 115D-95~~, G.S. 115F-12, the Board may waive the bond requirement under this subsection. The Board may not waive the bond requirement under this subsection if the applicant has provided an alternative to a guaranty bond under ~~G.S. 115D-95(e)~~, G.S. 115F-12(d).

...."

SECTION 8. G.S. 126-5(c2)(4) reads as rewritten:

"(4) Employees of the Office of Proprietary Schools whose salaries are fixed by the ~~State~~ North Carolina Board of Proprietary Schools in accordance with the provisions of ~~G.S. 115D-89.2~~, G.S. 115F-7."

SECTION 9. Notwithstanding G.S. 115F-5, as enacted by this act, and Article 8 of Chapter 115D of the General Statutes, the members serving on the State Board of Proprietary Schools as of the date this act becomes law who were appointed pursuant to G.S. 115D-89.1 shall (i) serve the remainder of their terms as members of the North Carolina Board of Proprietary Schools established pursuant to Chapter 115F of the General Statutes, as enacted by this act, and (ii) assume the advisory duties and responsibilities of the State Board of Proprietary Schools under Article 8 of Chapter 115D of the General Statutes in regard to any proprietary school operating in this State under a license approved on or before the date this act becomes law and June 30, 2017. As the terms of the members serving on the North Carolina Board of Proprietary Schools in accordance with this section expire, or when a vacancy occurs prior to the expiration of a term, members on the Board shall be appointed in accordance with G.S. 115F-5, as enacted by this act.

SECTION 10. The North Carolina Board of Proprietary Schools may enter into an agreement with the State Board of Community Colleges to provide that the Community Colleges System Office act as the fiscal agent for the North Carolina Board of Proprietary Schools and for the Office of Proprietary Schools for the purpose of administering the Commercial Education Fund established under G.S. 115F-8, formerly administered under G.S. 115D-92, and the Student Protection Fund established under G.S. 115F-13, formerly administered under G.S. 115D-95.1, until such time those funds may be established in accounts with the Department of State Treasurer under the sole supervision and direction of the North Carolina Board of Proprietary Schools in accordance with Chapter 115F of the General Statutes.

SECTION 11. Section 1 of this act becomes effective July 1, 2017. The remainder of this act is effective when this act becomes law and applies to any person applying for an initial license or the renewal of a license for a proprietary school on or after that date.



H

D

HOUSE BILL 327
PROPOSED COMMITTEE SUBSTITUTE H327-CSTC-20 [v.3]

04/18/2017 04:15:44 PM

Short Title: NC Board of Proprietary Schools.

(Public)

Sponsors:

Referred to:

March 14, 2017

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE NORTH CAROLINA PROPRIETARY SCHOOL LICENSURE
ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 115D of the General Statutes is repealed.

SECTION 2. The General Statutes are amended by adding a new Chapter to read:

"Chapter 115F.

"North Carolina Proprietary School Licensure Act.

"§ 115F-1. Short title.

This Chapter shall be known as the "North Carolina Proprietary School Licensure Act."

"§ 115F-5. Purpose.

The purpose of this Chapter is to provide for the establishment, organization, and administration of educational institutions having a physical presence in North Carolina that educate or train students in vocational programs leading toward professional licensing examination, employment, or a postsecondary degree below the associate level. The major purpose of each institution operating under this Chapter shall be to provide a quality education through a sustained curriculum equal to that prescribed for similar public schools and educational institutions of the State that have met the standards set forth by the North Carolina Board of Proprietary Schools, including course offerings, adequate facilities, financial stability, competent personnel, and legitimate operating practices.

"§ 115F-10. Definitions.

The following definitions apply in this Chapter:

(1) Board. – North Carolina Board of Proprietary Schools.

(2) Catastrophic loss amount. – Funds in the amount of one million five hundred thousand dollars (\$1,500,000) to protect prepaid student tuition in case of a large-scale event that would draw against the Student Protection Fund.

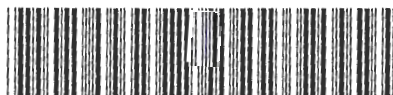
(3) Commercial Education Fund. – The Fund established in G.S. 115F-35.

(4) Distance education. – Education, training courses, or programs delivered to a student who is geographically separate from the instructor. Distance education shall not include education, training courses, or programs delivered by institutions licensed under G.S. 116-15. Delivery systems employed by a proprietary school may include any of the following:

(1) Correspondence.

(2) Classroom instruction.

(3) Instruction provided in hotels or other temporary dwelling units or areas.



* H 3 2 7 - C S T C - 2 0 *



1 Statutes or by any other State agency, or any State institution
2 or which may offer, one or more courses covered in this Chapter, provided that
3 the tuition, fees, and charges, if any, made by such university, college, high
4 school, or State institution shall be collected by their regular officers in
5 accordance with the rules prescribed by the board of trustees or governing body
6 of such university, college, high school, or State institution.

7 (8) Any institution exempt from licensure pursuant to G.S. 116-15(c).

8 **"§ 115F-20. North Carolina Board of Proprietary Schools.**

9 (a) There is established the North Carolina Board of Proprietary Schools located
10 administratively within the Department of Administration, but the Board shall exercise all its
11 prescribed powers independently of the Department of Administration. The Board shall consist of
12 seven members appointed or serving ex officio as follows:

13 (1) Two members appointed by the Governor.

14 (2) Two members appointed upon recommendation of the President Pro Tempore
15 of the Senate, as provided in G.S. 120-121, as follows:

16 a. One member who is the owner or director of a proprietary school
17 licensed in the State with a total annual enrollment of fewer than 100
18 students.

19 b. One member who is the owner or director of a proprietary school or
20 group of proprietary schools licensed in the State with a total annual
21 enrollment of more than 750 students.

22 (3) Two members appointed upon recommendation of the Speaker of the House of
23 Representatives, as provided in G.S. 120-121, as follows:

24 a. One member who is the owner or director of a proprietary school
25 licensed in the State with a total annual enrollment between 100 and 750
26 students.

27 b. One member who is the owner or director of a proprietary school
28 licensed in the State.

29 (4) The President of the North Carolina Community College System or the
30 President's designee.

31 (b) Members appointed pursuant to subsection (a) of this section shall possess (i) a
32 demonstrated history of experience related to a proprietary school or public postsecondary
33 education, (ii) an understanding of standards of quality in postsecondary education, and (iii) a
34 leadership background beyond the leadership experience demonstrated at a particular proprietary
35 school.

36 (c) Appointments for all members shall be for terms of four years beginning on January 1.
37 Appointed members may be reappointed but shall not serve more than two consecutive terms of
38 four years. Vacancies among appointed members shall be filled by the appointing entity and shall
39 be for the remainder of the vacant term. Vacancies appointed by the General Assembly shall be
40 filled in accordance with G.S. 120-122.

41 (d) The Board shall elect from the appointed members a chair and a vice-chair for terms of
42 two years. A chair or vice-chair may serve no more than two consecutive terms in that role.

43 (e) No member of the General Assembly, spouse of a member of the General Assembly, or
44 officer or employee of the State shall be eligible to serve on the Board as an appointed member.

45 (f) The Board may declare vacant the office of a member who does not attend three
46 consecutive scheduled meetings without justifiable excuse. The chair shall notify the appropriate
47 appointing authority of any such vacancy.

48 (g) The Board shall meet at stated times established by the Board but not less frequently
49 than four times a year. Special meetings of the Board may be set at any regular meeting or may be
50 called by the chair. A majority of the appointed members of the Board shall constitute a quorum
51 for the transaction of business.



1 equipment, curricula, and instructional personnel. The Board shall have the authority to grant
2 approval to a course of study that is not approved by such board or agency.
3 (11) Pursuant to the maximum amounts set forth by this Chapter and other specific
4 authority authorizing fees, establish reasonable fees related to the approval and
5 operation of proprietary schools.

6 **"§ 115F-30. Office of Proprietary Schools.**

7 (a) The Board shall establish an Office of Proprietary Schools as its principal
8 administrative unit staffed with State employees as provided by this section. The Board shall
9 employ an executive director of the Office of Proprietary Schools, who shall serve as chief
10 administrative officer. The Board may contract with an outside consultant to serve as the executive
11 director. The compensation of this position shall be fixed by the Board from funds provided by
12 fees deposited in the Commercial Education Fund.

13 (b) The Board may hire other employees as it deems necessary to carry out the provisions
14 of this Chapter. The compensation of the staff members hired by the Board shall be fixed by the
15 Board upon recommendation of the executive director of the Office of Proprietary Schools.

16 (c) Each year, at a time designated by the Board, the executive director of the Office of
17 Proprietary Schools shall submit a written report to the Board and the State Board of Community
18 Colleges containing the following information:

- 19 (1) The number of schools receiving initial licenses during the previous year.
- 20 (2) A list of all licensed proprietary schools operating in the State.
- 21 (3) Any school closures during the previous year, including a complete report of
22 actions concerning any catastrophic closures.
- 23 (4) Any complaints received and the resulting decisions or actions on the
24 complaints.
- 25 (5) The total fees collected.
- 26 (6) The balances of the Commercial Education Fund and the Student Protection
27 Fund.
- 28 (7) A recommendation for the annual projected operating budget.
- 29 (8) If applicable, a recommendation for an adjustment to the catastrophic loss
30 amount or cap amount for the Student Protection Fund.

31 **"§ 115F-35. Authority to establish and collect fees; Commercial Education Fund; refund of**
32 **fees.**

33 (a) The Board shall establish fees for applications, initial licensure, license renewal, and
34 inspections performed of proprietary schools pursuant to this Chapter in accordance with Article
35 2A of Chapter 150B of the General Statutes not to exceed the following:

- 36 (1) Initial license. – \$3,520, plus \$55 per program submitted for licensure.
- 37 (2) Annual license renewal. – \$1870, plus \$55 per licensed program renewed, and
38 \$220 for each new program submitted for licensure. A late fee of \$550 may be
39 assessed for any license renewal application postmarked after March 15.
- 40 (3) Program additions submitted outside of the annual license renewal period. –
41 \$220.
- 42 (4) Program revisions. – \$220.
- 43 (5) School relocations. – \$550.
- 44 (6) Remote sites. – \$1,100 initial site fee, plus an annual renewal fee of \$825.
- 45 (7) Site assessments of verify compliance with statutes or rules, or to approve
46 program additions of changes. – \$550.

47 (b) All fees and other moneys collected and received by the Board shall be used for the
48 purposes of implementing this Chapter. In no case shall any salary, expense, or other obligation of
49 the Board be charged against the General Fund.



- 1 g. Policy and regulations relating to student conduct, including
2 dismissal for unsatisfactory conduct.
- 3 h. Detailed schedule of fees; charges for tuition, books, supplies, tools,
4 student activities, laboratory fees, service charges, rentals, and deposits;
5 and all other charges.
- 6 i. Policy and regulations relative to the refund of the unused portion of
7 tuition, fees, and other charges in the event the student does not enter or
8 withdraws from a course or a course is discontinued. The policy and
9 regulations shall provide for, at a minimum, a full refund if a student
10 withdraws before the first day of class or the school cancels the class
11 and a seventy-five percent (75%) refund if the student withdraws within
12 the first twenty-five percent (25%) of the period of enrollment for which
13 the student was charged.
- 14 j. A description of the available space, facilities, and equipment.
- 15 k. A course outline for each course for which approval is requested,
16 showing:
- 17 1. Subjects or units in the course.
- 18 2. Type of skill to be learned.
- 19 3. Approximate time in clock hours, credit hours, or credit hours
20 equivalent, as appropriate, to be spent on each subject or unit.
- 21 l. Policy and regulations for granting credit for previous educational
22 training.
- 23 (8) Any additional information as the Board may deem necessary to enable it to
24 determine the adequacy of the program of instruction and whether the standards
25 for licensure adopted by the Board have been met.
- 26 (d) After reasonable investigation and consideration on the part of the Board, a license
27 shall be granted to the proprietary school when it is shown to the satisfaction of the Board that the
28 applicant, school, and programs of study or courses are found to have met at least the following
29 criteria:
- 30 (1) Courses, curriculum, and instruction are consistent in quality, content, and
31 length with similar courses in public schools and other private schools in the
32 State, with recognized accepted standards.
- 33 (2) Adequate space, equipment, instructional material, and instructor personnel are
34 available to students to provide training of good quality.
- 35 (3) Education and experience qualifications of the director, administrators, and
36 instructors are adequate.
- 37 (4) The school maintains a written record of the previous education and training of
38 the student.
- 39 (5) A copy of the course outline, schedule of tuition, fees, and other charges,
40 regulations pertaining to absences, grading policy, and the rules of operation
41 and conduct shall be furnished to the student upon enrollment.
- 42 (6) Upon completion of training, the student is given a certificate or diploma by the
43 school for work in the approved course or subjects that indicates the training
44 was satisfactorily completed.
- 45 (7) Adequate records, as prescribed by the Board, are kept to show student
46 attendance, progress, or grades, and that satisfactory standards relating to
47 attendance, progress, and conduct are enforced.
- 48 (8) The school complies with all local, city, county, municipal, State, and federal
49 laws and regulations, including fire codes and building and sanitation codes.
50 The Board may require evidence of compliance as is deemed necessary.



- (2) Knowingly presented to the Board false or misleading information for
approval or renewal of a license.
- (3) Failed or refused to permit authorized representatives of the Board to inspect
the school or refused to make available to them at any time upon request full
information pertaining to matters within the purview of the Board under the
provisions of this Chapter.
- (4) Perpetrated or committed fraud or deceit in advertising the school or in
presenting to the prospective students written or oral information relating to the
school, to employment opportunities, or to opportunities for enrollment in other
schools upon completion of the instruction offered in the school.
- (5) Pled guilty, entered a plea of nolo contendere, or been found guilty of a crime
involving moral turpitude by a judge or jury in any state or federal court.
- (6) Failed to provide or maintain premises, equipment, or conditions in a safe and
sanitary manner in accordance with such standards of the State or any of its
political subdivisions as are applicable to the premises and equipment.
- (7) During the licensure period, employed teachers, supervisors, or administrators
who had not been approved by the Board.
- (8) During the licensure period, failed to provide and maintain adequate premises,
equipment, materials, or supplies or exceeded the maximum enrollment for
which the school or class was licensed.
- (9) During the licensure period, failed to provide and maintain adequate standards
of instruction or an adequate and qualified administrative, supervisory, or
teaching staff.
- (10) Failed to pay license or renewal fees.
- (11) Failed to provide a required bond or bond alternative.
- (12) Failed to pay assessments into the Student Protection Fund.

"§ 115F-55. Bonds required.

(a) An applicant for a proprietary school license shall comply with the bond requirements
set forth in this section. The bond shall cover the potential loss by students of the proprietary
school of prepaid tuition and other payments made by them to a school licensed under this Chapter
by reason of the school ceasing to operate for any reason, including bankruptcy, foreclosure, or the
suspension, revocation, or nonrenewal of a school's license.

(b) An applicant for a proprietary school license shall file a bond with the Board executed
by the applicant as a principal and by a bonding company authorized to do business in this State.
The bond shall be payable to the Board, shall be conditioned on fulfillment of the school's
obligations, and shall remain in effect until cancelled by the bonding company. The bonding
company may cancel the bond upon 30 days' written notice to the Board.

(c) The application for a proprietary school initial license or renewal shall set forth the
calculations made by the applicant to determine the amount of bond required with the application.
The required amount shall be determined as follows:

- (1) Initial licensure. – For an applicant for initial licensure of a school, the bond
amount shall be the amount determined by the Board that is adequate to provide
indemnification to any student or student's parent or guardian who has suffered
a loss of tuition, fees, or any other instructional-related expenses paid to the
school. A bond amount shall be at least twenty-five thousand dollars (\$25,000).
- (2) First five license renewals. – For the first five license renewal applications of a
school, the bond shall be in an amount equal to the greatest amount of unearned
paid tuition in the school's possession at any time during the prior fiscal year.
The bond amount shall be evaluated by the school quarterly and reported to the
Board. A quarterly evaluation requiring an increase of five percent (5%) or



(c) Each proprietary school operating in the State shall
Protection Fund an amount based on its annual gross tuition revenue generated in the State as follows:

<u>Annual Gross Tuition Revenue</u>	<u>Amount of Assessment</u>
<u>\$1.00 – \$25,000</u>	<u>\$200.00</u>
<u>\$25,001 – \$50,000</u>	<u>\$250.00</u>
<u>\$50,001 – \$100,000</u>	<u>\$300.00</u>
<u>\$100,001 – \$200,000</u>	<u>\$400.00</u>
<u>\$200,001 – \$300,000</u>	<u>\$500.00</u>
<u>\$300,001 – \$400,000</u>	<u>\$600.00</u>
<u>\$400,001 – \$500,000</u>	<u>\$700.00</u>
<u>\$500,001 – \$750,000</u>	<u>\$1,000</u>
<u>\$750,001 – \$1,000,000</u>	<u>\$1,250</u>
<u>\$1,000,001 – \$1,500,000</u>	<u>\$1,500</u>
<u>\$1,500,001 – \$2,000,000</u>	<u>\$2,000</u>
<u>Greater than \$2,000,000</u>	<u>\$2,000 plus one-twentieth of one percent</u> <u>(.05%) of annual gross tuition revenue over</u> <u>\$2,000,000.</u>

(d) If the Student Protection Fund balance is equal to or exceeds the fund cap amount, the Board shall suspend payments into the Fund for schools that have been continuously licensed in the State for more than eight years. The Board shall require schools to resume payments into the Student Protection Fund if the balance of the Fund is less than the catastrophic loss amount.

(e) If claims against the Student Protection Fund exceed the catastrophic loss amount, the Board may assess additional fees to the extent necessary to compensate students qualified for repayment under the Fund. The amount of the catastrophic assessment shall not exceed one-half of the amount of the annual revenue payment required by subsection (c) of this section. If the amount of the catastrophic assessment is insufficient to cover qualified claims, the Board shall develop a method of allocating funds among claims.

(f) The full and timely payment into the Student Protection Fund pursuant to this section is a condition of licensure.

(g) No payment to the Student Protection Fund shall be refunded in the event that a school's license application is rejected or a school's license is suspended or revoked.

(h) A student or the student's parent or guardian who has suffered a loss of tuition, fees, or any other instructional-related expenses paid to a proprietary school licensed under this Chapter by reason of the school ceasing to operate for any reason, including bankruptcy, foreclosure, or the suspension, revocation, or nonrenewal of a school's license may qualify for repayments under the Student Protection Fund. The Board first must issue repayment from the bonds issued under G.S. 115F-55. If the Student Protection Fund is insufficient to cover the qualified claims, the Board shall develop a method of allocating funds among claims.

(i) The Board shall adopt rules for the implementation of this section.

"§ 115F-65. Contracts with unlicensed schools and evidences of indebtedness made null and void.

All contracts entered into by a proprietary school with students or prospective students and all promissory notes or other evidence of indebtedness taken in lieu of cash payments by a proprietary school shall be null and void unless the school is duly licensed as required by this Chapter.

"§ 115F-70. Operating school without license or bond; misdemeanor.

Any person, or a member of any association of persons or an officer of any corporation, who opens and operates a proprietary school without first obtaining the license required by this Chapter, executing the bond required under G.S. 115F-55, and paying the assessments into the Student Protection Fund under G.S. 115F-60 shall be guilty of a Class 3 misdemeanor. Each day the school continues to be open and operated shall constitute a separate offense.



1 may revoke the approval of a program that fails to maintain a bond or an
2 alternative to a bond pursuant to this subsection or
3 ~~G.S. 115D-95~~G.S. 115F-55."

4 **SECTION 6.** G.S. 93A-32(2) reads as rewritten:

5 "(2) "Private real estate school" means any real estate educational entity which is
6 privately owned and operated by an individual, partnership, corporation, limited
7 liability company, or association, and which conducts, for a profit or tuition
8 charge, real estate broker prelicensing or postlicensing courses prescribed by
9 G.S. 93A-4(a) or (a1), provided that a proprietary business or trade school
10 licensed by the ~~State North Carolina Board of Community Colleges~~Proprietary
11 Schools under ~~G.S. 115D-90~~G.S. 115F-40 to conduct courses other than those
12 real estate courses described herein shall not be considered to be a private real
13 estate school."

14 **SECTION 7.** G.S. 116-15 reads as rewritten:

15 **"§ 116-15. Licensing of certain nonpublic post-secondary educational institutions.**

16 (a1) The General Assembly of North Carolina in recognition of the importance of higher
17 education and of the particular significance attached to the personal credentials accessible through
18 higher education and in consonance with statutory law of this State making unlawful any "unfair
19 or deceptive acts or practices in the conduct of any trade or commerce," hereby declares it the
20 policy of this State that all institutions conducting post-secondary degree activity in this State that
21 are not subject to Chapter ~~115 or 115D~~115C, 115D, or 115F of the General Statutes, nor some
22 other section of Chapter 116 of the General Statutes shall be subject to licensure under this section
23 except as the institution or a particular activity of the institution may be exempt from licensure by
24 one or another provision of this section.

25 ...

26 (f1) (1) A guaranty bond is required for each institution that is licensed. The Board may
27 revoke the license of an institution that fails to maintain a bond pursuant to this
28 subsection.

29 If the institution has provided a bond pursuant to
30 ~~G.S. 115D-95~~G.S. 115F-55, the Board may waive the bond requirement under
31 this subsection. The Board may not waive the bond requirement under this
32 subsection if the applicant has provided an alternative to a guaranty bond under
33 ~~G.S. 115D-95(e)~~G.S. 115F-55(d).

34"

35 **SECTION 8.** G.S. 126-5(c2)(4) reads as rewritten:

36 "(4) Employees of the Office of Proprietary Schools whose salaries are fixed by the
37 ~~State~~North Carolina Board of Proprietary Schools in accordance with the
38 provisions of ~~G.S. 115D-89.2~~G.S. 115F-30."

39 **SECTION 9.** Notwithstanding G.S. 115F-20, as enacted by this act, and Article 8 of
40 Chapter 115D of the General Statutes, the members serving on the State Board of Proprietary
41 Schools as of the date this act becomes law who were appointed pursuant to G.S. 115D-89.1 shall
42 (i) serve the remainder of their terms as members of the North Carolina Board of Proprietary
43 Schools established pursuant to Chapter 115F of the General Statutes, as enacted by this act, and
44 (ii) assume the advisory duties and responsibilities of the State Board of Proprietary Schools under
45 Article 8 of Chapter 115D of the General Statutes in regard to any proprietary school operating in
46 this State under a license approved on or before the date this act becomes law and June 30, 2017.
47 As the terms of the members serving on the North Carolina Board of Proprietary Schools in
48 accordance with this section expire, or when a vacancy occurs prior to the expiration of a term,
49 members on the Board shall be appointed in accordance with G.S. 115F-20, as enacted by this act.

50 **SECTION 10.** The North Carolina Board of Proprietary Schools may enter into an
51 agreement with the State Board of Community Colleges to provide that the Community Colleges





HOUSE BILL 485: UNC & CC Credit/National Gd on SAD.

2017-2018 General Assembly

Committee: House Education - Community Colleges
Introduced by: Reps. G. Martin, Szoka, Grange
Analysis of: Second Edition

Date: April 19, 2017
Prepared by: Drupti Chauhan
Committee Counsel

OVERVIEW: *House Bill 485 would direct the Board of Governors of The University of North Carolina and the State Board of Community Colleges to adopt a uniform policy to ensure that National Guard Service Members are not academically penalized when they are placed on State active duty status during an academic term.*

[As introduced, this bill was identical to S399, as introduced by Sens. Britt, J. Jackson, which is currently in Senate Rules and Operations of the Senate.]

BILL ANALYSIS: House Bill 485 would direct the Board of Governors of The University of North Carolina (UNC BOG) and the State Board of Community Colleges (SBCC) to each adopt a uniform policy to ensure that National Guard Service Members are not academically penalized when they are placed on State active duty status during an academic term. These policies would apply to all enrolled students in a UNC constituent institution or North Carolina community college who are National Guard Service Members. These students must be given an excused absence for the period of time they are on active duty.

The UNC BOG and SBCC policies must also provide all of the following for these students:

- Opportunities to make up tests or other work missed during the excused absence.
- Options, when feasible, to continue classes and coursework during the academic term through online participation for the period of the active duty.
- Options to receive a temporary grade of "incomplete" or "absence from the final exam" for any course the student was not able to complete because of being placed on State active duty status. The student must complete the course requirements within a time period specified by the constituent institution or community college
- Ability to drop, with no penalty, any course that the student was unable to complete because of being placed on State active duty status.

EFFECTIVE DATE: The policies must be adopted by the UNC BOG and the SBCC by July 1, 2017 and the UNC constituent institutions and the community colleges must implement the policies beginning with the fall 2017 academic term.

BACKGROUND: The UNC Policy Manual (700.7.1[R]) provides that campuses must develop policies to permit students in the military to withdraw from courses at any time and without academic penalty if the withdrawal is because of their military service. Campuses must also have policies in place to allow for refund of tuition, fees, and other expenses because of being called to active duty. The regulation provides that campuses must have transcript notations for withdrawal for active or reserve military service and these withdrawals cannot count in the calculation of GPAs or tuition surcharges. In regard

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

2

HOUSE BILL 485*
Committee Substitute Favorable 4/11/17

Short Title: UNC & CC Credit/National Gd on SAD.

(Public)

Sponsors:

Referred to:

March 28, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND THE
3 STATE COMMUNITY COLLEGE SYSTEM TO ADOPT AND IMPLEMENT A
4 UNIFORM POLICY TO REQUIRE THAT A STUDENT WHO IS A NATIONAL
5 GUARD SERVICE MEMBER PLACED ON ACTIVE DUTY STATUS BE GIVEN AN
6 EXCUSED ABSENCE FOR THE PERIOD OF TIME THE STUDENT IS ON ACTIVE
7 DUTY AND TO PROVIDE ADDITIONAL OPTIONS TO THE STUDENT FOR
8 COMPLETION OR WITHDRAWAL FROM CLASSES THAT WILL NOT PENALIZE
9 THE STUDENT ACADEMICALLY.

10 The General Assembly of North Carolina enacts:

11 SECTION 1.(a) G.S. 116-11 is amended by adding a new subdivision to read:

12 "(3b) The Board of Governors shall adopt a policy to be applied uniformly
13 throughout The University of North Carolina to provide that any student
14 enrolled in a constituent institution who is a National Guard Service Member
15 placed onto State active duty status during an academic term shall be given
16 an excused absence for the period of time the student is on active duty. The
17 policy shall further provide all of the following:

18 a. The student shall be given the opportunity to make up any test or
19 other work missed during the excused absence.

20 b. The student shall be given the option, when feasible, to continue
21 classes and coursework during the academic term through online
22 participation for the period of time the student is placed on active
23 duty.

24 c. The student shall be given the option of receiving a temporary grade
25 of "incomplete (IN)" or "absent from the final exam (AB)" for any
26 course that the student was unable to complete as a result of being
27 placed on State active duty status; however, the student must
28 complete the course requirements within the period of time specified
29 by the constituent institution to avoid receiving a failing grade for the
30 course.

31 d. The student shall be permitted to drop, with no penalty, any course
32 that the student was unable to complete as a result of being placed on
33 State active duty status."

34 SECTION 1.(b) The Board of Governors shall adopt the policies set out in
35 G.S. 116-11(3b) as enacted by subsection (a) of this section by July 1, 2017, and shall direct







HOUSE BILL 486: National Guard Tuition Assistance Program.

2017-2018 General Assembly

Committee:	House Education - Community Colleges	Date:	April 19, 2017
Introduced by:	Reps. G. Martin, Szoka	Prepared by:	Drupti Chauhan
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *House Bill 486 would extend eligibility for North Carolina National Guard tuition assistance to eligible North Carolina National Guard members enrolled in a professional certification program recommended by the Director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer.*

[As introduced, this bill was identical to S400, as introduced by Sens. Britt, J. Jackson, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Under G.S. 116-209.54, tuition assistance is available under the North Carolina National Guard Tuition Assistance Act of 1975 to active members of the North Carolina National Guard who are enrolled or will enroll in any of the following: (i) a proprietary school; (ii) an in-State private educational institution which does not operate for profit; or (iii) a State educational institution. The tuition benefit is applicable to students in the following categories:

- Students completion of their secondary school education at a community college or technical institute;
- Students seeking trade or vocational training or education;
- Students seeking a two-year associate degree;
- Students seeking a four-year baccalaureate degree;
- Students seeking a graduate degree; or
- Students enrolled in a program granting a graduate certificate.

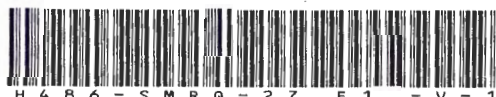
To be eligible to receive this tuition assistance, the person must have a minimum obligation of two years remaining as a member of the North Carolina National Guard from the end of the academic period for which tuition assistance is provided, or must commit himself or herself to extended membership for at least two years from the end of that academic period.

BILL ANALYSIS: House Bill 486 would extend eligibility for tuition assistance to North Carolina National Guard members who are enrolled in a professional certification program recommended by the Director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer.

EFFECTIVE DATE: The bill would become effective when it becomes law and applies beginning with the 2017 fall academic semester.

BACKGROUND: The North Carolina National Guard Tuition Assistance Program is administered by the State Education Assistance Authority.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 486*

Short Title: National Guard Tuition Assistance Program.

(Public)

Sponsors: Representatives G. Martin and Szoka (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Universities, if favorable, Education - Community Colleges

March 28, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO BROADEN THE NATIONAL GUARD TUITION ASSISTANCE PROGRAM
3 TO COVER STUDENTS ENROLLED IN AN APPROVED PROFESSIONAL
4 CERTIFICATION PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 116-209.54(b) reads as rewritten:

7 "(b) This tuition assistance benefit shall be applicable to students in the following
8 categories:

- 9 (1) Students seeking to achieve completion of their secondary school education
10 at a community college or technical institute.
11 (2) Students seeking trade or vocational training or education.
12 (3) Students seeking to achieve a two-year associate degree.
13 (4) Students seeking to achieve a four-year baccalaureate degree.
14 (5) Students seeking to achieve a graduate degree.
15 (6) Students enrolled in a program granting a graduate certificate.
16 (7) Students enrolled in a professional certification program recommended by
17 the Director of the North Carolina National Guard Education and
18 Employment Center and approved by the North Carolina National Guard
19 Education Services Officer."

20 **SECTION 2.** This act is effective when it becomes law and applies beginning with
21 the 2017 fall academic semester.







HOUSE BILL 519: CC/Neighbor State In-State Tuition.

2017-2018 General Assembly

Committee: House Education - Community Colleges
Introduced by: Rep. Corbin
Analysis of: PCS to First Edition
H519-CSTC-24

Date: April 19, 2017
Prepared by: Kara McCraw
Committee Counsel,
John Ferris,
Legal Extern

OVERVIEW: *HB 519 would provide in-state tuition to residents of other states who reside in counties bordering the service area of Tri-County Community College.*

The PCS for HB 519 would provide in-state tuition to legal residents of other states who reside in counties bordering the service areas of Tri-County Community College, Gaston College, Rockingham Community College, or Piedmont Community College.

CURRENT LAW: G.S. 115D-39(a) and G.S. 116-143.1-3 determine who receives in-state tuition.

G.S. 116-143.1: To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes.

G.S. 115D-39(a): Applies the legal residence requirement for in-state tuition to students attending community colleges.

Chapter 116 and 115D provide various exceptions to the residency requirements for in-state tuition rates. Exceptions that apply to students at community colleges who do not live in the State include:

- Employers who provide community college tuition assistance to employees who work in the State are billed in-state tuition. G.S. 115C-39(a).
- Members of the North Carolina National Guard who are not residents of the State. G.S. 116-143.1(h1).

BILL ANALYSIS: The PCS for HB 519 would add an exception to the current tuition residency laws to allow out-of-state students who legally reside in counties that share a border with counties in the service area of certain community colleges to pay in-state tuition. The bill would also ensure that out-of-state students would not take the place of in-state students seeking to enroll at those colleges. The colleges and counties would be as follows:

- Tri County Community College: Cherokee County, Clay County, or Graham County (Borders Georgia and Tennessee).
- Gaston College: Gaston County (Borders South Carolina).
- Rockingham Community College: Rockingham County (Borders Virginia).
- Piedmont Community College: Caswell County or Person County (Borders Virginia).

EFFECTIVE DATE: HB 519 will become effective when it becomes law and applies beginning with the 2017-2018 school year.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 519

Short Title: Tri-County CC/Neighbor State In-State Tuition.

(Public)

Sponsors: Representative Corbin.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE TRI-COUNTY COMMUNITY COLLEGE TO CHARGE
IN-STATE TUITION TO RESIDENTS OF STATES BORDERING NORTH CAROLINA
WHO LIVE IN COUNTIES THAT ARE CONTIGUOUS TO CHEROKEE COUNTY,
CLAY COUNTY, AND GRAHAM COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115D-39(a) reads as rewritten:

"(a) The State Board of Community Colleges shall fix and regulate all tuition and fees
charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State
funds and shall be deposited as provided by regulations of the State Board of Community
Colleges.

The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and
G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter;
provided, however, that when an employer other than the Armed Forces, as that term is defined
in G.S. 116-143.3, pays tuition for an employee to attend an institution operating pursuant to
this Chapter and when the employee works at a North Carolina business location, the employer
shall be charged the in-State tuition rate; provided further, however, a community college may
charge in-State tuition to up to one percent (1%) of its out-of-state students, rounded up to the
next whole number, to accommodate the families transferred by business, the families
transferred by industry, or the civilian families transferred by the Armed Forces, consistent
with the provisions of G.S. 116-143.3, into the State.

In addition, a resident of a state bordering North Carolina who lives in a county that is
contiguous to Cherokee County, Clay County, or Graham County in North Carolina may be
charged the in-State tuition rate to attend Tri-County Community College. Tri-County
Community College shall ensure that no out-of-state student eligible for in-State tuition due to
residence in a contiguous county shall displace an in-State student seeking to enroll in a
program offered by the community college.

~~Notwithstanding these requirements,~~ the requirements of this subsection, a refugee who
lawfully entered the United States and who is living in this State shall be deemed to qualify as a
domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community
college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a nonresident of the United
States who has resided in North Carolina for a 12-month qualifying period and has filed an
immigrant petition with the United States Immigration and Naturalization Service shall be
considered a State resident for community college tuition purposes."



* H 5 1 9 - V - 1 *



1 **SECTION 2.** This act is effective when it becomes law and applies beginning with
2 the 2017-2018 academic year.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 519
PROPOSED COMMITTEE SUBSTITUTE H519-CSTC-24 [v.1]

04/18/2017 05:53:58 PM

Short Title: CC/Neighbor State In-State Tuition.

(Public)

Sponsors:

Referred to:

March 30, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CERTAIN COMMUNITY COLLEGES TO CHARGE IN-STATE
3 TUITION TO RESIDENTS OF STATES BORDERING NORTH CAROLINA WHO LIVE
4 IN CONTIGUOUS COUNTIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115D-39 is amended by adding a new subsection to read:

7 "(b1) In addition, a legal resident of a state bordering North Carolina may be charged the
8 in-State tuition rate at the following community colleges if that legal resident meets the following
9 qualifications:

- 10 (1) The legal resident lives in a county that is contiguous to Cherokee County, Clay
11 County, or Graham County in North Carolina and attends Tri-County
12 Community College.
13 (2) The legal resident lives in a county that is contiguous to Gaston County in
14 North Carolina and attends Gaston College.
15 (3) The legal resident lives in a county that is contiguous to Rockingham County in
16 North Carolina and attends Rockingham Community College.
17 (4) The legal resident lives in a county that is contiguous to Caswell County or
18 Person County in North Carolina and attends Piedmont Community College.

19 Each community college shall ensure that no out-of-state student eligible for in-State tuition
20 due to residence in a contiguous county shall displace an in-State student seeking to enroll in a
21 program offered by the community college."

22 **SECTION 2.** This act is effective when it becomes law and applies beginning with the
23 2017-2018 academic year.



* H 5 1 9 - C S T C - 2 4 *





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 519

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

H519-ATC-39 [v.2]

Page 1 of 1

Amends Title [NO]
H519-CSTC-24

Date _____, 2017

Representative _____

1 moves to amend the bill on page 1, lines 18-19, by inserting the following between those lines:

2
3 "(5) The legal resident lives in a county that is contiguous to Cleveland County
4 in North Carolina and attends Cleveland Community College."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 5 1 9 - A T C - 3 9 - V - 2 *





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 519

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

H519-ATC-39 [v.2]

Page 1 of 1

Amends Title [NO]
H519-CSTC-24

Date _____, 2017

Representative _____

1 moves to amend the bill on page 1, lines 18-19, by inserting the following between those lines:

2
3
4

"(5) The legal resident lives in a county that is contiguous to Cleveland County
in North Carolina and attends Cleveland Community College."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



★ H 5 1 9 - A T C - 3 9 - V - 2 ★





NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 519

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

H519-ATC-40 [v.1]

Page 1 of 1

Amends Title [NO]
H519-CSTC-24

Date _____, 2017

Representative _____

- 1 moves to amend the bill on page 1, line 21, by inserting the following sentence after the word
2 "college.":
3
4 "An individual must be lawfully admitted to the United States to qualify as a legal resident
5 under this subsection".

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 5 1 9 - A T C - 4 0 - V - 1 *





HOUSE BILL 646: ApprenticeshipNC.

2017-2018 General Assembly

Committee:	House Education - Community Colleges. If favorable, re-refer to Appropriations	Date:	April 19, 2017
Introduced by:	Reps. S. Martin, Horn, Conrad, Brody	Prepared by:	Brian Gwyn
Analysis of:	PCS to First Edition H646-CSBE-12		Committee Co-Counsel

OVERVIEW: Senate Bill 597 would transfer the administration of the Apprenticeship Program from the Department of Commerce to the Community Colleges System Office.

The PCS would make the following changes:

- Allow the State Board of Community Colleges to set the terms of office for members of the Apprenticeship Council.
- Clarify that the Apprenticeship Council recommends rules to the State Board rather than having its own independent rulemaking authority.
- Put the Director of ApprenticeshipNC under the supervision of the President of the North Carolina Community College System or the President's designee.

CURRENT LAW: Chapter 94 of the General Statutes creates a program within the Department of Commerce in which voluntary apprentices work under approved apprentice agreements between the apprentice and the employer. The apprentice receives training facilities and guidance from the employer, and enrolls in related supplementary education.

Under G.S. 94-2, an Apprenticeship Council is appointed to create standards for apprentice agreements and issue rules and regulations related to Chapter 94. The Director of Apprenticeship, appointed by the Secretary of Commerce, is charged with administering the Apprenticeship Program. G.S. 94-4. Apprenticeship committees are required by G.S. 94-5 for each sponsor of an apprenticeship program, which serve to advise and coordinate the experience for the apprentices, including work hours and supplemental training.

Under G.S. 94-6, apprentices must be at least 16 years of age and be covered by a written apprenticeship agreement approved by the Apprenticeship Council. The agreement must provide for at least 2,000 hours of employment and a minimum of 144 hours of related supplemental instruction each year. Adjustments to these hours can be recommended by the apprenticeship committee or sponsor, subject to the approval of the Secretary of Commerce.

Karen Cochran-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

H

D

HOUSE BILL 646
PROPOSED COMMITTEE SUBSTITUTE H646-CSBE-12 [v.2]

04/18/2017 06:23:34 PM

Short Title: ApprenticeshipNC.

(Public)

Sponsors:

Referred to:

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER THE ADMINISTRATION OF THE STATE APPRENTICESHIP
3 PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE COMMUNITY
4 COLLEGES SYSTEM OFFICE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. All functions, powers, duties, obligations, resources, and
7 appropriations vested in the Apprenticeship Program and the Apprenticeship Council are
8 transferred to, vested in, and consolidated into the North Carolina Community Colleges System
9 Office as a Type I transfer, as defined in G.S. 143A-6. The State Board of Community
10 Colleges, the Community Colleges System Office, and the Office of State Budget and
11 Management are authorized to take all other steps necessary to consolidate the Apprenticeship
12 Program and the Apprenticeship Council into the Community Colleges System Office. Joint
13 delivery of Apprenticeship and Community College workforce training programs shall ensure
14 coordination of program delivery and appropriate classroom training supporting the needs of
15 students and employers.

16 SECTION 2. Article 1 of Chapter 115D is amended by adding a new section to
17 read:

18 "§ 115D-5.3. ApprenticeshipNC Program; Apprenticeship Council; transfer.

19 The ApprenticeshipNC Program and the Apprenticeship Council, as contained in Chapter
20 94 of the General Statutes and the laws of this State, are hereby transferred by a Type I transfer
21 to the North Carolina Community Colleges System Office."

22 SECTION 3. Chapter 94 of the General Statutes reads as rewritten:

23 "Chapter 94.

24 "Apprenticeship. ApprenticeshipNC.

25 "§ 94-1. Purpose.

26 The purposes of this Chapter are: to open to young people the opportunity to obtain training
27 that will equip them for profitable employment and citizenship; to set up, as a means to this
28 end, a program of voluntary apprenticeship under approved apprentice agreements providing
29 facilities for their training and guidance in the arts and crafts of industry and trade, with parallel
30 instruction in related and supplementary education; to promote employment opportunities for
31 young people under conditions providing adequate training and reasonable earnings; to relate
32 the supply of skilled workers to employment demands; to establish standards for apprentice
33 training; to coordinate workforce education and customized training tools to fill talent pipeline
34 gaps, as appropriate, with local business and industry; to establish an Apprenticeship Council
35 and apprenticeship committees and sponsors to assist in effectuating the purposes of this
36 Chapter; to leverage the collaborative and regional structure of the community college service





1 secretary of the Apprenticeship Council; to approve for the Council if in his or her opinion
2 approval is for the best interest of the apprenticeship any apprentice agreement which meets the
3 standards established under this Chapter; to terminate or cancel any apprentice agreement in
4 accordance with the provisions of such agreement; to keep a record of apprentice agreements
5 and their disposition; to issue certificates of completion of apprenticeship; and to perform such
6 other duties as are necessary to carry out the intent of this Chapter, including other on-job
7 training necessary for emergency and critical civilian production: Provided, that the
8 administration and supervision of related and supplemental instruction for apprentices,
9 coordination of instruction with job experiences, and the selection and training of teachers and
10 coordinators for such instruction shall be the responsibility of State and local boards
11 responsible for vocational education.

12 **"§ 94-5. Apprenticeship committees and program sponsors.**

13 (a) As used in this Chapter:

14 (1) "Apprenticeship program" means a plan containing all terms and conditions
15 for the qualification, recruitment, selection, employment, and training of
16 apprentices, including such matters as the requirement for a written
17 apprenticeship agreement.

18 (2) "Apprenticeship agreement" means a written agreement between an
19 apprentice and either his or her employer or an apprenticeship committee or
20 sponsor acting as agent for employer(s), which agreement satisfies the
21 requirements of G.S. 94-7.

22 (2a) "ApprenticeshipNC" means the statewide apprenticeship program
23 administered by the Community Colleges System Office under this Chapter.

24 (3) "Sponsor" means any person, firm, corporation, organization, association or
25 committee operating an apprenticeship program and in whose name the
26 apprenticeship program is approved.

27 (4) "Employer" means any person, firm, corporation or organization employing
28 an apprentice whether or not such person, firm, corporation or organization
29 is a party to an apprenticeship agreement with the apprentice.

30 (5) "Apprenticeship committee" means those persons designated by the sponsor,
31 and approved by the Apprenticeship Council, to act for it in the
32 administration of the apprenticeship program. A committee may be "joint,"
33 i.e., it is composed of an equal number of representatives of the employer(s)
34 and of the employees represented by a bona fide collective bargaining
35 agent(s) and has been established to conduct, operate or administer an
36 apprenticeship program and enter into apprenticeship agreements with
37 apprentices. A committee may be "unilateral" or "nonjoint" which shall
38 mean a program sponsor in which employees or a bona fide collective
39 bargaining agent is not a party.

40 (b) An apprenticeship committee may be appointed by the Apprenticeship Council in
41 any trade or group of trades in a city or trade area, whenever the apprentice training needs of
42 such trade or group of trades justifies such establishment.

43 (c) The function of the apprenticeship committee, or sponsor when there is no
44 apprenticeship committee, shall be: to cooperate with school authorities in regard to the
45 education of apprentices; in accordance with the standards set up by the apprenticeship
46 committee for the same trade or group of trades, where such committee has been appointed, to
47 work in an advisory capacity with employers and employees in matters regarding schedule of
48 operations, application of wage rates, and working conditions for apprentices and to specify the
49 number of apprentices which shall be employed locally in the trade under the apprenticeship
50 agreements under this Chapter; and to adjust apprenticeship disputes, subject to the approval of
51 the director; to ascertain the prevailing rate for journeymen in the city or trade area and specify



1 term, members on the Apprenticeship Council shall be appointed by the State Board of
2 Community Colleges in accordance with G.S. 94-2, as amended by this act.

3 **SECTION 5.** Of the Workforce Investment Act funds awarded to the Department
4 of Commerce by the United States Department of Labor, the sum of three hundred fifty
5 thousand dollars (\$350,000) shall be transferred to the Community Colleges System Office for
6 the administration of ApprenticeshipNC on a recurring basis for the 2017-2019 fiscal biennium.

7 **SECTION 6.** There is appropriated from the General Fund to the Community
8 Colleges System Office the sum of five hundred thousand dollars (\$500,000) in recurring funds
9 for the 2017-2018 fiscal year to increase apprenticeship opportunities across the State.

10 **SECTION 7.** The Department of Commerce shall submit a Workforce Innovation
11 and Opportunity Act State Plan amendment to the United States Department of Labor to
12 designate the Community Colleges System Office as the State agency responsible for the
13 administration of ApprenticeshipNC as provided for in this act.

14 **SECTION 8.** Sections 1 through 6 of this act become effective July 1, 2017. The
15 remainder of this act is effective when it becomes law.





HOUSE BILL 702: Seniors CC Tuition Waiver.

2017-2018 General Assembly

Committee:	House Education - Community Colleges	Date:	April 19, 2017
Introduced by:	Reps. Howard, Setzer, Henson, Elmore	Prepared by:	Brian Gwyn
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 702 would require the State Board of Community Colleges to waive tuition and registration fees for up to six hours of credit per academic semester for senior citizens.*

CURRENT LAW: G.S. 115D-5(b) identifies individuals and entities for whom tuition and registration fees can be waived. These costs may not be waived for anyone not listed in the statute. Examples include:

- Persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate.
- Volunteer firefighters enrolled in specialized courses.
- Trainees enrolled in courses conducted under the Customized Training Program.
- Elementary and secondary school employees enrolled in CPR courses.

BILL ANALYSIS: House Bill 702 would modify G.S. 115D-5(b) and require the State Board of Community Colleges to waive tuition and registration fees for up to six hours of credit per academic semester for senior citizens who are at least 65 years of age and are legal residents of North Carolina. Other costs such as books and instructional materials would not be covered by the waiver.

EFFECTIVE DATE: The act would be effective July 1, 2017, and would apply beginning with the 2017-2018 academic year.

BACKGROUND: Prior to 2009, tuition for senior citizens was waived without limitation. In 2009, S.L. 2009-451, s. 8.11.(d) limited the waiver to six hours of credit per academic semester for senior citizens who were at least 65 years of age and were legal residents of North Carolina. The waiver was repealed in 2013 by S.L. 2013-360, s. 10.6. A study of the community college tuition waivers was completed in 2011 by the Fiscal Research Division of the General Assembly (<http://ncleg.net/Library/studies/2011/st11878.pdf>).

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 702

Short Title: Seniors CC Tuition Waiver.

(Public)

Sponsors: Representatives Howard, Setzer, Henson, and Elmore (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Education - Community Colleges

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE STATE BOARD OF COMMUNITY COLLEGES
3 SHALL WAIVE TUITION AND REGISTRATION FEES FOR UP TO SIX HOURS OF
4 CREDIT PER ACADEMIC SEMESTER FOR SENIOR CITIZENS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115D-5(b) reads as rewritten:
7 "(b) In order to make instruction as accessible as possible to all citizens, the teaching of
8 curricular courses and of noncurricular extension courses at convenient locations away from
9 institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata
10 portion of the established regular tuition rate charged a full-time student shall be charged a
11 part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of
12 Community Colleges shall establish a uniform registration fee, or a schedule of uniform
13 registration fees, to be charged students enrolling in extension courses for which instruction is
14 financed primarily from State funds. The State Board of Community Colleges may provide by
15 general and uniform regulations for waiver of tuition and registration fees for the following:

16 ...
17 (17) Courses for senior citizens who are 65 years of age or older and are qualified
18 as legal residents of North Carolina for up to six hours of credit per
19 academic semester. This waiver shall not apply to other costs associated with
20 instruction, including books and instructional materials.

21 The State Board of Community Colleges shall not waive tuition and registration fees for
22 other individuals."

23 SECTION 2. This act becomes effective July 1, 2017, and applies beginning with
24 the 2017-2018 academic year.







NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 702

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

H702-ABE-27 [v.3]

Page 1 of 1

Amends Title [YES]
First Edition

Date _____, 2017

Representative _____

1 moves to amend the bill on page 1, line 4 by rewriting the line to read:

2
3 "CREDIT INSTRUCTION AND ONE COURSE OF NON-CREDIT INSTRUCTION PER
4 ACADEMIC SEMESTER FOR SENIOR CITIZENS.";

5
6 And on page 1, lines 17-20 by rewriting the lines to read:

7
8 "(17) Courses of up to six hours of credit instruction and one course of non-credit
9 instruction per academic semester for senior citizens who are 65 years of age
10 or older and are qualified as residents for tuition purposes. This waiver shall
11 not apply to other costs associated with instruction, including books and
12 instructional materials and is subject to space being available in an
13 individual course."
14

SIGNED _____

Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* H 7 0 2 - A B E - 2 7 - V - 3 *



VISITOR REGISTRATION SHEET

House Committee on Education-Comm College 4/19/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
IRANI DEARAUO JR	STRATEGIC BEHAVIORAL CENTER 3200 WATERFIELD DR GARNER NC 27812
Ray Trapp	NC A&T State University 1601 E. Market St Greensboro, NC 27411
Robb Jansen	NCSBE
Jeff Moore	AST
Jacob Shaheen	Strategic Behavioral Center 2050 Mercantile Dr. Leland, NC 28451
William M. Davis	Strategic Behavioral Center 3000 Waterfield Drive Garners, NC 27812
Neva Helms	→ Rep. Mark Brody LA
Dave Ekd	Commerce
Kevin Butlerhill	"
Tim	Co
Tom West	NCICU



VISITOR REGISTRATION SHEET

House Committee on Education-Comm College 4/19/2017

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

DANNY BUNASOFER

LEGISLATIVE ANALYSIS

GARY SALAMIS

NC Chambers

Meaghan Lewis

Ne Chancen

Leah Sutton

Hunt Institute

Reyna Walters-Lujan

Crowder Consulting




VISITOR REGISTRATION SHEET

House Committee on Education-Comm College 4/19/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patricia Skinner	Gaston College - Dallas, NC
Elizabeth Hovatt	NCCCS
Maurice Little	NCCCS
Joe Chopman	NCCCS
Jimmie Williamson	NCCCS
L. Steve Thornburg	Cleveland Community College
Larry Keen	Fayetteville Technical CC
Mary Thompson	NCCCS
John Dodson	NASCAL TECHNICAL INSTITUTE
	NCCCS
Jennifer Hargood	NCCCS
Dale McSherry	Richmond Community College
Bryan Conrad	OSBM



VISITOR REGISTRATION SHEET

House Committee on Education-Comm College 4/19/2017

Name of Committee

Date _____

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Phoebe London

MWC

Adam Pridemore

NCA 5A

Irma B. Clark

Line 802



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2017-2018 SESSION**

You are hereby notified that the **House Committee on Education - Community Colleges** will meet as follows:

DAY & DATE: Wednesday, April 26, 2017

TIME: 11:00 AM

LOCATION: 423 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
<u>HB 656</u>	College of Albemarle/Construction Funds.	Representative Steinburg

Respectfully,

Representative Mark Brody, Co-Chair
Representative John Sauls, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:39 AM on Monday, April 24, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Karen Rosser (Committee Assistant)



House Committee on Education - Community Colleges
Wednesday, April 26, 2017
11 am - 423 LOB

AGENDA

Welcome and Opening Remarks:

Representative John Sauls
Co- Chair

Introductions of
Sergeant At Arms and Pages:

Bill To Consider:

BILL NO.	SHORT TITLE	SPONSOR
HB 656	College of Albemarle/Construction Funds	Representative Steinburg

Presentations

Other Business

Adjournment



House Committee Meeting on Education

COMMUNITY COLLEGES

Wednesday, April 26, 2017

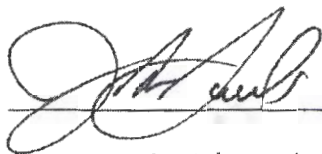
11 am 423 LOB

The Education Committee on Community Colleges met Wednesday, 4/26/17 at 11 am in room 423 of the Legislative Office Building. Representative Sauls presided over the meeting. After recognizing the Sergeant at Arms and the Pages, Representative Sauls called the meeting to order. In attendance were Representatives Sauls, Brody, Clampitt, Garrison, McNeill, Turner, and Watford.

Representative Sauls opened the meeting by recognizing the sponsor of the only bill on the Agenda, a PCS for HB 656, Representative Steinburg. Representative Steinburg gave a brief overview of purpose of bill, College of Albemarle, Construction Funds. Members of the Committee Representative Brody, McNeill and Watford asked for clarification on several points regarding leasing the land, construction timetable, and local community college opinion.

Following the question and answers, Representative Clampitt made a motion to vote favorable for the Proposed Committee Substitute, and unfavorable to the original. Representative Sauls called for a vote, all answering in the affirmative. Following conclusion of the vote, Brody made a motion to adjourn. The meeting concluded at 11:12 am.

I hereby certify this information is accurate:



Representative John Sauls

21-26-17

Date

Compiled by Karen Rosser 4/26/17



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

EDUCATION - COMMUNITY COLLEGES COMMITTEE REPORT

Representative Mark Brody, Co-Chair

Representative John Sauls, Co-Chair

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 656

College of Albemarle/Construction Funds.

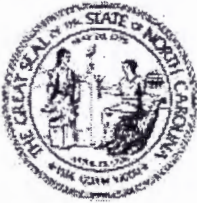
Draft Number:	H656-PCS40561-BE-21
Serial Referral:	None
Recommended Referral:	None
Long Title Amended:	No
Floor Manager:	Steinburg

TOTAL REPORTED: 1



* C M R 3 7 6 - V - 1 *





HOUSE BILL 656: College of Albemarle/Construction Funds.

2017-2018 General Assembly

Committee:	House Education - Community Colleges	Date:	April 26, 2017
Introduced by:	Rep. Steinburg	Prepared by:	Brian Gwyn*
Analysis of:	PCS to First Edition H656-CSBE-21		Committee Co-Counsel

OVERVIEW: House Bill 656 exempts the College of the Albemarle from specified State property and contracting laws and authorizes contracts with specified counties for the renovation or construction of four community college facilities.

The PCS would:

- Require the county to return prorated funds to the College of the Albemarle in the event the lease is terminated at no fault of the college.
- Require the Connect NC proceeds to be spent on capital facilities for community college purposes.
- Remove the exemptions from Chapter 133 and Article 8 of Chapter 143 of the General Statutes.
- Sunset the authority on July 1, 2022.

CURRENT LAW: Chapter 115D of the General Statutes (Community Colleges) requires approval by the State Board of Community Colleges before the expenditure of any State funds on capital improvements of existing community college institutions and before a community college may dispose, transfer, or acquire property. Chapter 143 gives the Department of Administration control of real property owned or leased by the State and control over architecture and engineering of community college buildings.

BILL ANALYSIS: The PCS to House Bill 656:

- Exempts the College of the Albemarle from any provisions of law that require a community college to be the owner of real property to expend available State funds, including Connect NC Bond funds, for the construction and renovation of educational facilities on county property that is also leased for a period of at least 30 years to the College, including for the following pending projects:
 - Construction of two facilities and renovation of a third facility located in Dare County, which would house community college transfer programs and health care, public safety, and other vocational community college programs for adults and for high school students participating in Career and College Promise programs.
 - Construction of a public safety facility located in Currituck County for relocation of the community college's emergency services programs.
- Requires the Connect NC proceeds to be spent on capital facilities that are to be used for community college purposes.
- Authorizes the college to contract for the renovation or construction of educational facilities described in Section 1 with any of the counties within the service area of the College, without being subject to the provisions of G.S. 143-341 (Powers of the Department of Administration).

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

**Giles Perry, Counsel to the State and Local Government I Committee, substantially contributed to this summary.*

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

HOUSE BILL 656
PROPOSED COMMITTEE SUBSTITUTE H656-CSBE-21 [v.4]

04/25/2017 2:34:48 PM

Short Title: College of Albemarle/Construction Funds.

(Public)

Sponsors:

Referred to:

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FLEXIBILITY TO THE COLLEGE OF THE ALBEMARLE IN
3 USING STATE FUNDS TO ENTER INTO CERTAIN CONSTRUCTION PROJECTS
4 FOR EDUCATIONAL FACILITIES WITH THE COUNTIES SERVED BY THE
5 COMMUNITY COLLEGE.

6 Whereas, the College of the Albemarle is in need of new facilities to educate and
7 prepare adult and high school students in northeastern North Carolina for the economic
8 enhancement of the region, to promote the transfer of students to four-year baccalaureate
9 degree programs, and to increase the public safety and vocational skills in high demand
10 throughout the region; and

11 Whereas, the College of the Albemarle's service delivery area includes seven
12 counties and four campuses, with several counties within this area willing to invest public
13 funds into construction of educational facilities for skills training and college transfer programs
14 for the benefit of students throughout the region; and

15 Whereas, the College of the Albemarle and the counties in the community college's
16 service delivery area mutually desire to enter into long-term lease agreements for the College of
17 the Albemarle to occupy educational facilities to be constructed by the counties on property
18 currently owned by the counties; and

19 Whereas, Dare County and Currituck County wish to use construction delivery
20 methods chosen by the counties as owners of the educational facilities; and

21 Whereas, the College of the Albemarle would need exemptions from certain State
22 law requirements to enter into such an agreement with the counties and use State funds,
23 including Connect NC Bond funds; Now, therefore,
24 The General Assembly of North Carolina enacts:

25 **SECTION 1.** Notwithstanding any other provision of law to the contrary, the
26 Board of Trustees of the College of the Albemarle may expend State funds appropriated for
27 capital improvements, including Connect NC Bond funds, for the construction and renovation
28 of educational facilities owned by and located on property owned by a county within the
29 service area of the College of the Albemarle (Camden, Chowan, Currituck, Dare, Gates,
30 Pasquotank, and Perquimans Counties), including the following pending projects:

31 (1) Construction of two facilities and renovation of a third facility located in
32 Dare County. The facilities would house community college transfer
33 programs and health care, public safety, and other vocational community
34 college programs for adults and for high school students participating in
35 Career and College Promise programs.





(2) Construction of a public safety facility located in Currituck County, which would enable the relocation of the community college's emergency services programs.

Any facility constructed or renovated under this authority shall be leased for a period of at least 30 years to the Board of Trustees of the College of the Albemarle. If the lessor terminates the lease through no fault of the college, a prorated amount of the building cost supported by State funds, amortized over the lease period, shall be returned to the college.

SECTION 2. If State funds described in Section 1 are derived from the proceeds of Connect NC Bonds, then the proceeds shall be expended on the cost of capital facilities that are to be used by the College of the Albemarle to carry out its community college purposes. The lease shall contain adequate provision to assure that the capital facilities so provided will be used for community college purposes.

SECTION 3. The Board of Trustees of the College of the Albemarle may contract for the renovation or construction of educational facilities as described in Section 1 of this act with any of the counties within the service area of the College of the Albemarle without being subject to the provisions of G.S. 143-341.

SECTION 4. This act is effective when it becomes law and applies only to capital improvement projects with construction contracts executed prior to July 1, 2022.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 656

Short Title: College of Albemarle/Construction Funds. (Public)

Sponsors: Representative Steinburg.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I, if favorable, Education - Community Colleges

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FLEXIBILITY TO THE COLLEGE OF THE ALBEMARLE IN
3 USING STATE FUNDS TO ENTER INTO CERTAIN CONSTRUCTION PROJECTS
4 FOR EDUCATIONAL FACILITIES WITH THE COUNTIES SERVED BY THE
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9 degree programs, and to increase the public safety and vocational skills in high demand
10 throughout the region; and

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13 funds into construction of educational facilities for skills training and college transfer programs
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16 service delivery area mutually desire to enter into long-term lease agreements for the College of
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18 currently owned by the counties; and

19 Whereas, Dare County and Currituck County wish to use construction delivery
20 methods chosen by the counties as owners of the educational facilities; and

21 Whereas, the College of the Albemarle would need exemptions from certain State
22 law requirements to enter into such an agreement with the counties and use State funds,
23 including Connect NC Bond funds; Now, therefore,
24 The General Assembly of North Carolina enacts:

25 **SECTION 1.** The Board of Trustees of the College of the Albemarle shall be
26 exempt from any provisions of Chapter 115D of the General Statutes that require a community
27 college to be the owner of real property to expend available State funds, including Connect NC
28 Bond funds, for the construction and renovation of educational facilities for projects in which
29 construction and renovation of educational facilities shall be on county property of a county
30 within the service area of the College of the Albemarle, including the counties of Camden,
31 Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans, and shall be leased for a period
32 of at least 30 years to the Board of Trustees of the College of the Albemarle, including for the
33 following pending projects:

34 (1) Construction of two facilities and renovation of a third facility located in
35 Dare County. The facilities would house community college transfer





VISITOR REGISTRATION SHEET

House Committee on Education-Community Colleges

4/26/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Sarah Hardin

NCEL

Sam Bridges

Town of Gaines

Jennifer Haygood

NCCCS

Monica Kelauby

Que Pasa



VISITOR REGISTRATION SHEET

House Committee on Education-Community Colleges

4/26/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Phoebe Landon

MWC

