

**2017-2018**

**HOUSE  
EDUCATION –  
UNIVERSITIES**

**MINUTES**



## EDUCATION - UNIVERSITIES

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Rep. Jonathan Jordan Co-chair	Emma Benson Clerk	733-7727	420 LOB	42
Rep. John Fraley Co-chair	Carol Wakely Clerk	733-5741	637 LOB	68
Rep. John Bell	Susan Horne	715-3017	301F LOB	05
Rep. Mark Brody	Neva Helms	715-3029	2219 LB	62
Rep. Becky Carney	Beth LeGrande	733-5827	1221 LB	12
Rep. Ted Davis	Judy Lowe	733-5786	417B LOB	27
Rep. Jeffrey Elmore	Linda Stevenson	733-5935	306A3 LOB	63
Rep. Ed Hanes	Wanda Kay	733-5829	1006 LB	60
Rep. Kelly Hastings	James Jenkins	715-2002	1206 LB	17
Rep. Verla Insko	Gina Insko	733-7208	502 LOB	72
Rep. Donny Lambeth	Pan Briles	733-5747	303 LOB	65
Rep. Mickey Michaux	Anita Wilder	715-2528	1227 LB	11
Rep. Rodney Moore	Charmey Morgan	733-5606	402 LOB	36
Rep. Greg Murphy	Theresa Lopez	733-5757	632 LOB	85
Rep. Brian Turner	Anna Stearns	715-3012	1209 LB	120

Staff: Drupti Chauhan  
Kara McCraw  
Brian Gwyn  
Dee Atkinson  
#919-733-2578



**HOUSE COMMITTEE ON EDUCATION ~ UNIVERSITIES**  
**2017 SESSION**

Clerks: Emma Benson & Carol Wakely



**Rep. John Fraley, Co-Chair**



**Rep. Jonathan Jordan, Co-Chair**



**Rep. John Bell**  
Member



**Rep. Mark Brody**  
Member



**Rep. Becky Carney**



**Rep. Ted Davis**



**Rep. Jeffrey Elmore**  
Member



**Rep. Ed Hanes**  
Member



**Rep. Kelly Hastings**  
Member



**Rep. Verla Insko**  
Member



**Rep. Donny Lambeth**  
Member



**Rep. Mickey Michaux**  
Member



**Rep. Rodney Moore**  
Member



**Rep. Greg Murphy**  
Member



**Rep. Brian Turner**  
Member



**House Committee on Education - Universities**  
**Tuesday, February 7, 2017 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

**Sergeant of Arms**

- 1. David Leighton**
- 2. Rey Cook**
- 3. Dean Marshbourne**
- 4. Mark Cone**







**House Committee on Education - Universities  
Tuesday, February 7, 2017 at 1:00 PM  
Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - Universities met at 1:00 PM on Tuesday, February 7, 2017 in Room 1228/1327 of the Legislative Building. Representatives Jordan, Fraley, Bell, Carney, Davis, Elmore, Hastings, Lambeth, Michaux, Moore, Murphy, B. Turner, and Wray attended. Drupti Chauhan, Kara McCraw, Brian Gwyn, Dee Atkinson (Research Staff Counsel), along with Emma Benson and Carol Wakely (Committee Clerks) were in attendance. A Visitor Registration list is attached and made part of these minutes. (Attachment 1)

Representative Jonathan Jordan, Chair, presided. The chair called the meeting to order at 1:08 PM. He introduced the Sergeants at Arms (attachment 2). The following bill was considered:

*The Proposed Committee Substitute (PCS) for House Bill 39 and a summary are provided (Attachment 3 and Attachment 4)*

**HOUSE BILL 39: AMEND APPOINTMENTS/ UNC BD OF GOVERNORS**

Chairman Jordan recognized Representative Bell who moved to adopt the PCS for discussion. The motion passed without dissent.

Chairman Jordan recognized Rep. Lewis to speak on the bill.

House Bill 39 would reduce the number of members elected by the General Assembly to the Board of Governors of the University of North Carolina (BOG) from 16 every 2 years to 12 every 2 years. This would reduce the elected membership of the BOG from 32 to 24 by July 1, 2019.

The Proposed Committee Substitute (PCS) extends the statutory deadline for the elections in both the House of Representatives and the Senate from 30 legislative days to 45 legislative days from the date of the appointments of their education committees. This is a one-time extension only for the elections during the 2017 Regular Session of the General Assembly. The PCS also makes a technical change to the effective dates.

Representative Michaux spoke in opposition to the bill due to concerns regarding minority representation. Representative Lewis responded to all of Rep. Michaux's concerns.

Representative Lambeth spoke in favor of the bill.

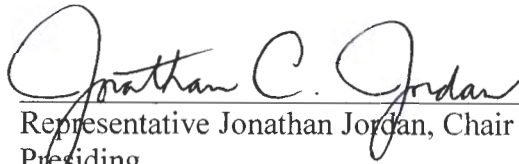
After a short discussion, the chair recognized Representative Davis who moved to give a favorable report to the proposed house committee substitute, unfavorable as to the original bill.

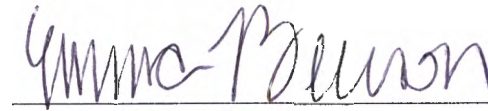




Rep. Michaux requested a roll call vote, to which Rep. Jordan stated that this would be a roll call vote and members were called on by name for ayes and nays (attachment 5). At the conclusion of the roll call, the motion for a favorable report on House Bill 39 carried 10-3.

There being no further business, Chairman Jordan adjourned the meeting at 1:35 PM.

  
Representative Jonathan Jordan, Chair  
Presiding

  
Emma Benson, Committee Clerk

#### Attachments

1. Visitor Registration Sheet
2. Committee Sergeants at Arms
3. House Bill 39 Proposed Committee Substitute
4. House Bill 39: Amend Appointments/UNC Bd of Governors PCS Bill Summary
5. Roll Call Vote HB39



## VISITOR REGISTRATION SHEET

House Committee on Education - Universities

2/7/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Loni Ann Harris	LAAH
Paul Johnson	HT&AC
Johnny [Signature]	MWC
Betty Dooker	UNCC
Phoebe Xandon	MWC
Katy Kingsbury	BP
Rhaegen Jackson	Focus Carolina
Wendy Kelly	Focus Carolina
Jessica Engler	Office of Governor Cooper
Andrew Cagle	UNCG
Michelle Brooks	ECU
Jim DeCristo	UNCSA



# VISITOR REGISTRATION SHEET

House Committee on Education - Universities

2/7/2017

Name of Committee

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Bryan Smith	Caroline Jones
Pam Huff	BOG
Jane Staud	N 20
Eva Baoli-Wang	Atlantic Coast Conference / UNC SAAZ
Gentry Fitch	VP of Govt Strategies, UNC Association of States Govts
Chris Broughton	MWC
David Powers	UNC BOG
Kwinn Howell	UNC GA
Drew Moretz	UNC GA
Madeline Hurley	Ward and Smith, P. A.
Leah Sutton	The Hunt Institute
Andrew Gaithe	AM 212
John Mariolo	NC AFL-CIO IBEW 50





## VISITOR REGISTRATION SHEET

House Committee on Education - Universities

2/7/2017

Name of Committee

Date \_\_\_\_\_

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

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Ridge Mazinga

Rep. Alexander

Sarah Stone

N(SU)

Breeder Blockwell

CAP FEAR Seller

May Sleeping

NCCCS

Joe Parrish

None



## VISITOR REGISTRATION SHEET

House Committee on Education - Universities

2/7/2017

Name of Committee

Date \_\_\_\_\_

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

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

[illegible]





Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education

DATE: 02/07/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Rey Cook
3. Name: Dean Marshbourne
4. Name: Mark Cone
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

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HOUSE BILL 39  
PROPOSED COMMITTEE SUBSTITUTE H39-CSRQ-1 [v.3]

02/06/2017 07:51:31 PM

Short Title: Amend Appointments/UNC Bd of Governors.

(Public)

Sponsors:

Referred to:

February 6, 2017

## A BILL TO BE ENTITLED

AN ACT TO REDUCE THE NUMBER OF MEMBERS OF THE BOARD OF GOVERNORS  
ELECTED EACH REGULAR SESSION BY THE GENERAL ASSEMBLY FROM  
SIXTEEN TO TWELVE AND TO MAKE CONFORMING CHANGES.

Whereas, Section 8 of Article IX of the North Carolina Constitution provides that "The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise."; and

Whereas, the 16 baccalaureate-granting institutions that make up The University of North Carolina are under one governing board which is the Board of Governors; and

Whereas, the General Assembly, in compliance with the North Carolina Constitution, maintains a nationally recognized world-class public system of higher education that serves the citizens of this State; Now, therefore,  
The General Assembly of North Carolina enacts:

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

"(a) As the terms of members of the Board of Governors provided for in G.S. 116-5 expire, their successors shall be elected by the Senate and House of Representatives. ~~Sixteen~~ Twelve members shall be elected at the regular legislative session in ~~1993~~ 2017 and every two years thereafter. The Senate and the House of Representatives shall each elect one-half of the persons necessary to fill the vacancies on the Board of Governors."

**SECTION 2.** G.S. 116-6.1 reads as rewritten:**"§ 116-6.1. Student member of the Board of Governors.**

(a) Commencing July 1, 1991, and during ~~his-a~~ person's continuance as a student in good standing at a constituent institution of The University of North Carolina, the person serving as president of the University of North Carolina Association of Student Governments (UNCASG) or ~~his-the person's~~ designee shall serve ex officio as a member of the Board of Governors. This student member shall be in addition to the ~~32~~ 28 members elected to the Board of Governors.

(b) The student member shall have all the rights and privileges of membership, except that ~~he-the student member~~ shall not have a vote."

**SECTION 3.** G.S. 116-6.1(a), as amended by Section 2 of this act, reads as rewritten:

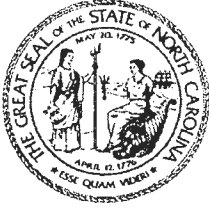
"(a) Commencing July 1, 1991, and during a person's continuance as a student in good standing at a constituent institution of The University of North Carolina, the person serving as president of the University of North Carolina Association of Student Governments (UNCASG) or the person's designee shall serve ex officio as a member of the Board of Governors. This student member shall be in addition to the ~~28~~ 24 members elected to the Board of Governors."



1           **SECTION 3.5.** Notwithstanding G.S. 116-6(c), during the 2017 Regular Session of  
2 the General Assembly, the House of Representatives and the Senate shall hold their elections  
3 within 45 legislative days after appointments to their education committees are complete.

4           **SECTION 4.** Sections 1, 3.5, and 4 of this act are effective when this act becomes  
5 law. Section 2 of this act becomes effective July 1, 2017. Section 3 of this act becomes effective  
6 July 1, 2019.





## HOUSE BILL 39: Amend Appointments/UNC Bd of Governors.

2017-2018 General Assembly

<b>Committee:</b>	House Education - Universities	<b>Date:</b>	February 7, 2017
<b>Introduced by:</b>	Reps. Lewis, Fraley, Jordan, Jackson	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	PCS to First Edition H39-CSRQ-1		Committee Counsel

**OVERVIEW:** *House Bill 39 would reduce the number of members elected by the General Assembly to the Board of Governors of The University of North Carolina (BOG) from 16 every 2 years to 12 every 2 years. This would reduce the elected membership of the BOG from 32 to 24 by July 1, 2019.*

*The Proposed Committee Substitute (PCS) extends the statutory deadline for the elections in both the House of Representatives and the Senate from 30 legislative days to 45 legislative days from the date of the appointments of their education committees. This is a one-time extension only for the elections during 2017 Regular Session of the General Assembly. The PCS also makes a technical change to the effective dates.*

**CURRENT LAW:** G.S. 116-6 provides that 16 members of the BOG are to be elected on odd-numbered years by the General Assembly with the House of Representatives electing 8 members and the Senate also electing 8 members. As a result, the elected membership of the BOG consists of 32 individuals serving staggered 4 year terms. Furthermore, G.S. 116-6(c) provides that each chamber must hold their elections within 30 legislative days after appointments to their education committees are complete.

**BILL ANALYSIS:** The PCS would reduce the number of members elected by the General Assembly to the BOG from 16 every 2 years to 12 every 2 years. In the 2017 Regular Session of the General Assembly, 12 members would be elected rather than 16 members: 6 members elected by the House of Representatives and 6 members elected by the Senate. This would bring the total membership to 28 elected members for the period of July 1, 2017 to June 30, 2019. In the 2019 Regular Session, 12 members would also be elected rather than 16 members: 6 members elected by the House of Representatives and 6 members elected by the Senate. Therefore as of July 1, 2019, the BOG would have 24 elected members.

In addition, the PCS extends the statutory deadline for the BOG elections in both the House of Representatives and the Senate from 30 legislative days to 45 legislative days from the date of the appointments of their education committees. This is a one-time extension only for the elections during 2017 Regular Session of the General Assembly.

**EFFECTIVE DATE:** Sections 1, 3.5, and 4 of the bill become effective when it becomes law. Section 2 of the bill becomes effective July 1, 2017 and Section 3 of the bill becomes effective July 1, 2019.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



## Attachment 5

## ROLL CALL VOTE

10            3            = 13 (TOTAL)  
YES           NO

HB# 39 pcs  
SB# \_\_\_\_\_

**HOUSE STANDING COMMITTEE ON Education - Universities**

<b>YES</b>	<b>NO</b>	<b>MEMBER (last name)</b>	<b>YES</b>	<b>NO</b>	<b>MEMBER (last name)</b>
X	_____	JORDAN	_____	_____	
X	_____	FRALEY	_____	_____	
X	_____	J. BELL	_____	_____	
_____	_____	BRODY	_____	_____	
_____	X	CARNEY	_____	_____	
X	_____	DAVIS	_____	_____	
X	_____	ELMORE	_____	_____	
X	_____	HASTINGS	_____	_____	
_____	_____	INSKO	_____	_____	
X	_____	LAMBETH	_____	_____	
_____	X	MICHAUX	_____	_____	
_____	X	MOORE	_____	_____	
X	_____	MURPHY	_____	_____	
X	_____	B. TURNER	_____	_____	
X	_____	WRAY	_____	_____	
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**Carol Wakely (Rep. John Fraley)**

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**From:** Carol Wakely (Rep. John Fraley)  
**Sent:** Thursday, March 23, 2017 10:46 AM  
**To:** Rep. Frank Iler; Rep. Craig Horn; Rep. Stephen Ross; Rep. Holly Grange  
**Cc:** Carla Langdon (Rep. Frank Iler); Pattie Fleming (Rep. Craig Horn); Kirk O'Steen (Rep. Stephen Ross); Laura Holt-Kabel (Rep. Holly Grange)  
**Subject:** <NCGA> House Education - Universities Committee Meeting Notice for Tuesday, March 28, 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 - Universities** will meet as follows:

**DAY & DATE:** Tuesday, March 28, 2017  
**TIME:** 1:00 PM  
**LOCATION:** 1228/1327 LB  
**COMMENTS:** Rep. Fraley will Chair.

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 339	North Carolina Teaching Fellows.	Representative Horn Representative Ross Representative Grange Representative Iler



**House Committee on Education - Universities**  
**Tuesday, March 28, 2017, 1:00 PM**  
**1228/1327 Legislative Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 339	North Carolina Teaching Fellows.	Representative Horn Representative Ross Representative Grange Representative Iler

**Adjournment**





## ATTENDANCE

## House Standing Committee on Education ~ Universities

(Name of Committee)

[illegible]



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**House Committee on Education - Universities**  
**Tuesday, March 28, 2017 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - Universities met at 1:00 PM on March 28, 2017 in Room 1228/1327 of the Legislative Building. Representatives Brody, Carney, Elmore, Fraley, Hanes, Hastings, Insko, Jordan, Michaux, and B. Turner attended.

Representative John A. Fraley, Chair, presided, and recognized the Sergeant-At-Arms and pages attending the meeting today.

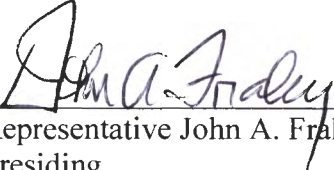
The following bills were considered:

**HB 339 North Carolina Teaching Fellows. (Representatives Horn, Ross, Grange, Iler).** HB 339 would re-establish the NC Teaching Fellows Program to provide forgivable loans to students preparing to become licensed STEM or special education teachers.

Rep. Fraley began the meeting promptly at 1 pm. House Bill 339 was presented and explained by Representative Craig Horn. Rep. Fraley opened the meeting for questions, and there was some debate and discussion on the bill. Rep. Horn answered questions from Representatives Turner, Insko, and Hanes. Representatives Michaux and Carney expressed supportive comments on this program.

Representative Elmore made the Motion for a Favorable Report, with a Serial Referral to the Appropriations Committee. The motion was seconded by Rep. Hanes.

The meeting adjourned at 1:13 pm.

  
\_\_\_\_\_  
Representative John A. Fraley, Chair  
Presiding

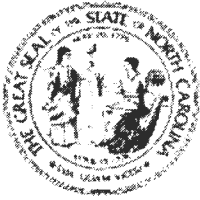
  
\_\_\_\_\_  
Carol Wakely, Committee Clerk



**ATTACHMENTS:**

- House Bill 339
- House Page Listing
- Sergeant At Arms Listing
- Visitor Registration Forms





# HOUSE BILL 339: North Carolina Teaching Fellows.

2017-2018 General Assembly

<b>Committee:</b>	House Education - Universities. If favorable, re-refer to Appropriations	<b>Date:</b>	March 28, 2017
<b>Introduced by:</b>	Reps. Horn, Ross, Grange, Iler	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		Committee Counsel

**OVERVIEW:** House Bill 339 would re-establish the North Carolina Teaching Fellows Program to provide forgivable loans to students preparing to be licensed teachers in science, technology, engineering, math (STEM), or special education.

[As introduced, this bill was identical to S252, as introduced by Sens. Barefoot, Lee, Ballard, which is currently in Senate Rules and Operations of the Senate.]

**CURRENT LAW:** In 2011, the General Assembly repealed the North Carolina Teaching Fellows Program and the North Carolina Teaching Fellows Commission as of July 1, 2015. The State Education Assistance Authority (SEAA) administers all outstanding scholarship loans previously awarded by the former North Carolina Teaching Fellows Commission and subject to repayment under the former Teaching Fellows Program.

**BILL ANALYSIS:** House Bill 339 would re-establish the North Carolina Teaching Fellows Program (Program) and the North Carolina Teaching Fellows Commission (Commission) which would determine the forgivable loan recipient selection criteria, selection procedures, and recipients for the forgivable loans granted under Program.

Commission: The Commission would have 14 members including 7 members appointed by the Board of Governors of The University of North Carolina, 2 members appointed by the General Assembly, and 5 ex officio members. Members other than the ex officio members would serve 2 year terms. The Commission members would elect a chair and vice-chair from the membership.

Program and Purpose: The Program would be administered by the General Administration of The University of North Carolina in conjunction with the SEAA and the Commission. The purpose of the Program would be to recruit, prepare, and support students residing in or attending institutions of higher education located in the State to be STEM or special education teachers in the State's public schools. The Board of Governors of The University of North Carolina must appoint the Director of the Program. The Program's recruitment activities must include (i) targeting regions of the State with the highest teacher attrition rates and teacher recruitment challenges; (ii) actively engaging with educators, business leaders, experts in human resources, elected officials, and other community leaders throughout the State; and (iii) attracting candidates in STEM and special education teacher licensure areas.

Award of Forgivable Loans: The Program must provide forgivable loans to selected students to be used at the 5 selected institutions of higher education for completion of a program that leads to teacher licensure. The forgivable loan awards would be as follows:

- North Carolina high school seniors – \$8,250 per year for up to 4 years

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





# House Bill 339

Page 2

- Students applying for transfer to an educator preparation program at a selected institution of higher education – \$8,250 per year for up to 3 years
- Individuals currently holding a bachelor's degree seeking preparation for teacher licensure – \$8,250 per year for up to 2 years
- Students matriculating at institutions of higher education who are changing to enrollment in a selected educator preparation program – \$8,250 per year for up to 2 years

Terms of the Forgivable Loans: The forgivable loans must be evidenced by notes made payable to the SEAA. The SEAA must forgive the loan and any interest accrued on the loan if, within 10 years after graduation from a program that lead to licensure, exclusive of any authorized deferment for extenuating circumstances, the recipient serves as a teacher in a STEM or special education licensure area for every year the teacher was awarded the forgivable loan, in any combination of the following:

- 1 year at a North Carolina public school identified as low-performing at the time the teacher accepts employment at the school or if the teacher changes employment during this period, at another school identified as low-performing.
- 2 years at a North Carolina public school that is not identified as low-performing.

The SEAA must also forgive the loan if it is found that it is impossible for the recipient to work for up to 8 years within 10 years after completion of the program leading to teacher licensure because of death or permanent disability.

If the recipient repays by cash payments, all indebtedness must be repaid within 8 years of the completion of the program that led to teacher licensure supported by the forgivable loan, unless there are extenuating circumstances where the SEAA may extend the cash repayment period to 12 years.

Identification of STEM and Special Education Licensure Areas: The Superintendent of Public Instruction must provide the SEAA and the Commission with a list of STEM and special education licensure areas and also annually provide to the Commission the number of available positions in each licensure area relevant to the number of current and anticipated teachers in that area of licensure. This information must be made readily available to applicants.

Student Selection Criteria for the Forgivable Loans: The Commission must adopt stringent standards for awarding the forgivable loans include grade point averages; performance on relevant career and college readiness assessments; qualities positively correlating with high effective teachers including excellent verbal and communication skills; and demonstrated commitment to service in a STEM or special education licensure area.

Educator Preparation Program Selection Criteria: The Program must be administered in cooperation with 5 institutions of higher education with approved educator preparation programs selected by the Commission that include both public and private postsecondary institutions of higher education in the State. The Commission must adopt strict standards for the selection of the educator preparation programs that include:

- A showing of high rates of educator effectiveness on value-added models and teacher evaluations including using performance-based, subject-specific assessment and support systems such as edTPA or other metrics of evaluating candidate effectiveness that have predictive validity.
- A showing of measurable impact of prior graduates on student learning including the impact of graduate teaching in STEM or special education.



# House Bill 339

Page 3

- A showing of high rates of graduates passing exams required for teacher licensure.
- An emphasis on providing curricular and co-curricular enhancements in leadership, learning for diverse learners and promotion of community engagement, classroom management, and reflection and assessment.
- A requirement of at least a minor concentration of study in the subject area that the candidate may teach.
- A requirement of early and frequent internship or practical experiences.
- Approval by the State Board of Education as an educator preparation program.

Report: An annual report must be submitted to the Joint Legislative Education Oversight Committee beginning January 1, 2019 with detailed information about the recipients; employment placements of the recipients after they graduate; evaluations of the graduates once they begin teaching; and information on their students' academic outcomes; and turnover and loan fulfillment rates of the forgivable loan recipients and graduates.

Implementation and Appropriation: Initial appointments to the Commission must be made no later than August 15, 2017. The Commission must establish initial selection criteria for recipients and select the 5 institutions of higher education with the approved educator preparation programs at which a recipient can use the forgivable loan no later than November 15, 2017 with applications available no later than December 31, 2017. Recipients of the initial forgivable loans for the 2018-2019 academic year must be selected by April 1, 2018. The bill would appropriate \$250,000 in nonrecurring funds to implement the Program for the 2017-2018 fiscal year and \$6,000,000 in recurring funds for the operation of the Program and for the award of forgivable loans to recipients beginning with the 2018-2019 academic year.

**EFFECTIVE DATE:** The bill would become effective July 1, 2017.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 339\*

Short Title: North Carolina Teaching Fellows. (Public)

Sponsors: Representatives Horn, Ross, Grange, and Iler (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Education - Universities, if favorable, Appropriations

March 15, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO REESTABLISH THE NORTH CAROLINA TEACHING FELLOWS PROGRAM.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1.(a) Article 23 of Chapter 116 of the General Statutes is amended by  
5 adding a new Part to read:

"Part 3. North Carolina Teaching Fellows Program.

7 **"§ 116-209.60. Definitions.**

8 The following definitions apply in this Part:

- 9 (1) Commission. – The North Carolina Teaching Fellows Commission.  
10 (2) Director. – The Director of the North Carolina Teaching Fellows Program.  
11 (3) Forgivable loan. – A forgivable loan made under the Program.  
12 (4) Fund. – The North Carolina Teaching Fellows Program Fund.  
13 (5) Program. – The North Carolina Teaching Fellows Program.  
14 (6) Public school. – An elementary or secondary school located in North Carolina  
15 that is governed by a local board of education, charter school board of directors,  
16 regional school board of directors, or University of North Carolina laboratory  
17 school board of trustees.  
18 (7) STEM. – Science, technology, engineering, and mathematics.

19 **"§ 116-209.61. North Carolina Teaching Fellows Commission established; membership.**

20 (a) Commission Established. – There is established the North Carolina Teaching Fellows  
21 Commission. The Commission shall determine program and forgivable loan recipient selection  
22 criteria, selection procedures, and shall select the recipients to receive forgivable loans under the  
23 North Carolina Teaching Fellows Program in accordance with the requirements of this Part. The  
24 Director of the North Carolina Teaching Fellows Program shall appoint staff to the Commission.

25 (b) Membership. – The Commission shall consist of 14 members appointed or shall serve  
26 as ex officio members as follows:

- 27 (1) The Board of Governors of The University of North Carolina shall appoint  
28 seven members to the Commission as follows:  
29 a. Two deans of approved schools of education at postsecondary  
30 constituent institutions of The University of North Carolina.  
31 b. The president of a North Carolina community college.  
32 c. A teacher who graduated from an approved educator preparation  
33 program located in the State within three years of appointment to serve  
34 on the Commission.







- 1                    d.     A principal who graduated from an approved educator preparation  
2                    program located in the State.  
3                    e.     A local board of education member.  
4                    f.     A member to represent business and industry in North Carolina.  
5                    (2)    The General Assembly shall appoint two members to the Commission in  
6                    accordance with G.S. 120-121 as follows:  
7                    a.     One dean of an approved school of education at a private postsecondary  
8                    institution operating in the State upon the recommendation of the  
9                    Speaker of the House of Representatives.  
10                  b.     One dean of an approved school of education at a private postsecondary  
11                  institution operating in the State upon the recommendation of the  
12                  President Pro Tempore of the Senate.  
13                  (3)    The following five members shall serve as ex officio members to the  
14                  Commission:  
15                  a.     The North Carolina Teacher of the Year.  
16                  b.     The North Carolina Principal of the Year.  
17                  c.     The North Carolina Superintendent of the Year.  
18                  d.     The chair of the Board of the State Education Assistance Authority.  
19                  e.     The Director of the North Carolina Teaching Fellows Program.  
20                  (c)    Terms of Office. – Appointments to the Commission shall be for two-year terms,  
21                  expiring on July 1 in odd-numbered years. Members serving ex officio, other than the chair of the  
22                  Board of the State Education Assistance Authority and Director of the North Carolina Teaching  
23                  Fellows Program, who have otherwise completed their term of service, shall continue to serve on  
24                  the Commission until July 1, annually.  
25                  (d)    Vacancies. – Except as otherwise provided, if a vacancy occurs in the membership of  
26                  the Commission, the appointing authority shall appoint another person meeting the same  
27                  qualifications to serve for the balance of the unexpired term.  
28                  (e)    Chair; Meetings. – The Director of the Program shall call the first meeting of the  
29                  Commission. The Commission members shall elect a chair and a vice-chair from the membership  
30                  of the Commission to serve one-year terms. The Commission shall meet regularly at times and  
31                  places deemed necessary by the chair or, in the absence of the chair, by the vice-chair.  
32                  (f)    Conflict of Interest. – A member of the Commission shall abstain from voting on the  
33                  selection of an educator preparation program of a postsecondary constituent institution of The  
34                  University of North Carolina or a private postsecondary institution operating in the State under  
35                  G.S. 116-209.62(f) if the member is an officer or employee of the institution or sits as a member  
36                  of the institution's board of directors.  
37                  (g)    Expenses. – Commission members shall receive per diem, subsistence, and travel  
38                  allowances in accordance with G.S. 138-5 or G.S. 138-6, as appropriate.  
39                  **"§ 116-209.62. North Carolina Teaching Fellows Program established; administration.**  
40                  (a)    Program. – There is established the North Carolina Teaching Fellows Program to be  
41                  administered by the General Administration of The University of North Carolina, in conjunction  
42                  with the Authority and the Commission. The purpose of the Program is to recruit, prepare, and  
43                  support students residing in or attending institutions of higher education located in North Carolina  
44                  for preparation as highly effective STEM or special education teachers in the State's public  
45                  schools. The Program shall be used to provide a forgivable loan to individuals interested in  
46                  preparing to teach in the public schools of the State in STEM or special education licensure areas.  
47                  (b)    Fund. – There is established the North Carolina Teaching Fellows Program Fund to be  
48                  administered by the Authority, in conjunction with the General Administration of The University  
49                  of North Carolina. All funds (i) appropriated to, or otherwise received by, the Program for  
50                  forgivable loans; (ii) all funds received as repayment of forgivable loans; and (iii) all interest  
51                  earned on these funds shall be placed in the Fund. The purpose of the Fund is to provide financial





1 assistance to qualified students for completion of teacher education and licensure programs to fill  
2 STEM or special education licensure areas in the public schools of the State.

3 (c) Uses of Monies in the Fund. – The monies in the Fund may be used only for forgivable  
4 loans granted under the Program, administrative costs associated with the Program, including  
5 recruitment and recovery of funds advanced under the Program, and extracurricular enhancement  
6 activities of the Program. The Authority may use up to two hundred fifty thousand dollars  
7 (\$250,000) from the Fund in each fiscal year for its administrative costs, the salary of the Director  
8 of the Program, and expenses of the Commission. The Commission may use up to three hundred  
9 fifty thousand dollars (\$350,000) each fiscal year for the extracurricular enhancement activities of  
10 the Program.

11 (d) Director of the Program. – The Board of Governors of The University of North  
12 Carolina shall appoint a Director of the Program. The Director shall appoint staff to the  
13 Commission and shall be responsible for recruitment and coordination of the Program, including  
14 proactive, aggressive, and strategic recruitment of potential recipients. Recruitment activities shall  
15 include (i) targeting regions of the State with the highest teacher attrition rates and teacher  
16 recruitment challenges; (ii) actively engaging with educators, business leaders, experts in human  
17 resources, elected officials, and other community leaders throughout the State; and (iii) attracting  
18 candidates in STEM and special education licensure areas to the Program. The Authority shall  
19 provide office space and clerical support staff, as necessary, to the Director for the Program.

20 (e) Student Selection Criteria for Forgivable Loans. – The Commission shall adopt  
21 stringent standards for awarding forgivable loans based on multiple measures to ensure that only  
22 the strongest applicants receive them, including the following:

23 (1) Grade point averages.

24 (2) Performance on relevant career and college readiness assessments.

25 (3) Experience, accomplishments, and other criteria demonstrating qualities  
26 positively correlated with highly effective teachers, including excellent verbal  
27 and communication skills.

28 (4) Demonstrated commitment to serve in a STEM or special education licensure  
29 area in North Carolina public schools.

30 (f) Program Selection Criteria. – The Authority shall administer the Program in  
31 cooperation with five institutions of higher education with approved educator preparation  
32 programs selected by the Commission that represent both postsecondary constituent institutions of  
33 The University of North Carolina and private postsecondary institutions operating in the State.  
34 The Commission shall adopt stringent standards for selection of the most effective educator  
35 preparation programs, including the following:

36 (1) Demonstrates high rates of educator effectiveness on value-added models and  
37 teacher evaluations, including using performance-based, subject-specific  
38 assessment and support systems, such as edTPA or other metrics of evaluating  
39 candidate effectiveness that have predictive validity.

40 (2) Demonstrates measurable impact of prior graduates on student learning,  
41 including impact of graduates teaching in STEM or special education licensure  
42 areas.

43 (3) Demonstrates high rates of graduates passing exams required for teacher  
44 licensure.

45 (4) Provides curricular and co-curricular enhancements in leadership, facilitates  
46 learning for diverse learners, and promotes community engagement, classroom  
47 management, and reflection and assessment.

48 (5) Requires at least a minor concentration of study in the subject area that the  
49 candidate may teach.





(6) Provides early and frequent internship or practical experiences, including the opportunity for participants to perform practicums in diverse school environments.

(7) Is approved by the State Board of Education as an educator preparation program.

(g) Awards of Forgivable Loans. – The Program shall provide forgivable loans to selected students to be used at the five selected institutions for completion of a program leading to teacher licensure as follows:

(1) North Carolina high school seniors. – Forgivable loans of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to four years.

(2) Students applying for transfer to a selected educator preparation program at an institution of higher education. – Forgivable loans of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to three years.

(3) Individuals currently holding a bachelor's degree seeking preparation for teacher licensure. – Forgivable loans of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to two years.

(4) Students matriculating at institutions of higher education who are changing to enrollment in a selected educator preparation program. – Forgivable loans of up to eight thousand two hundred fifty dollars (\$8,250) per year for up to two years.

Forgivable loans may be used for tuition, fees, and the cost of books.

(h) Identification of STEM and Special Education Licensure Areas. – The Superintendent of Public Instruction shall identify and provide to the Commission and the Authority a list of STEM and special education licensure areas and shall annually provide to the Commission the number of available positions in each licensure area relative to the number of current and anticipated teachers in that area of licensure. The Commission shall make the list of STEM and special education licensure areas readily available to applicants.

(i) Administration of Forgivable Loan Awards. – Upon the naming of recipients of the forgivable loans by the Commission, the Commission shall transfer to the Authority its decisions. The Authority, in coordination with the Director, shall perform all of the administrative functions necessary to implement this Part, which functions shall include rule making, dissemination of information, liaison with participating institutions of higher education, implementing forgivable loan agreements, loan monitoring, loan cancelling through service and collection, determination of the acceptability of service repayment agreements, enforcing the agreements, and all other functions necessary for the execution, payment, and enforcement of promissory notes required under this Part.

(j) Annual Report. – The Commission, in coordination with the Authority, shall report no later than January 1, 2019, and annually thereafter, to the Joint Legislative Education Oversight Committee regarding the following:

(1) Forgivable loans awarded from the Fund, including the following:

a. Demographic information regarding recipients.  
b. Number of recipients by institution of higher education and program.  
c. Information on number of recipients by anticipated STEM and special education licensure area.

(2) Placement and repayment rates, including the following:

a. Number of graduates who have been employed in a STEM or special education licensure area within two years of program completion.  
b. Number of graduates who accepted employment at a low-performing school identified under G.S. 115C-105.37 as part of their years of service.





- c. Number of graduates who have begun loan repayment and their years of service, if any, prior to beginning loan repayment.
  - d. Number of graduates employed in a STEM or special education licensure area who have received an overall rating of at least accomplished and have met expected growth on applicable standards of the teacher evaluation instrument.
  - e. Aggregate information on student growth and proficiency in courses taught by graduates who have fulfilled service requirements through employment in a STEM or special education licensure area.
- (3) Selected school outcomes by program, including the following:
- a. Turnover rate for forgivable loan graduates.
  - b. Aggregate information on student growth and proficiency in courses taught by forgivable loan graduates.
  - c. Fulfillment rate of forgivable loan graduates.

**"§ 116-209.63. Terms of forgivable loans; receipt and disbursement of funds.**

(a) Notes. – All forgivable loans shall be evidenced by notes made payable to the Authority that bear interest at a rate not to exceed ten percent (10%) per year as set by the Authority and beginning 90 days after completion of the program leading to teacher licensure, or 90 days after termination of the forgivable loan, whichever is earlier. The forgivable loan may be terminated upon the recipient's withdrawal from school or by the recipient's failure to meet the standards set by the Commission.

(b) Forgiveness. – The Authority shall forgive the loan and any interest accrued on the loan if, within 10 years after graduation from a program leading to teacher licensure, exclusive of any authorized deferment for extenuating circumstances, the recipient serves as a teacher in a STEM or special education licensure area, as provided in G.S. 116-209.61(h), for every year the teacher was awarded the forgivable loan, in any combination of the following:

- (1) One year at a North Carolina public school identified as low-performing under G.S. 115C-105.37 at the time the teacher accepts employment at the school or, if the teacher changes employment during this period, at another school identified as low-performing.
- (2) Two years at a North Carolina public school not identified as low-performing under G.S. 115C-105.37.

The Authority shall also forgive the loan if it finds that it is impossible for the recipient to work for up to eight years, within 10 years after completion of the program leading to teacher licensure, at a North Carolina public school because of the death or permanent disability of the recipient. If the recipient repays the forgivable loan by cash payments, all indebtedness shall be repaid within eight years after completion of the program leading to teacher licensure supported by the forgivable loan. If the recipient completes a program leading to teacher licensure, payment of principal and interest shall begin no later than 27 months after the completion of the program. Should a recipient present extenuating circumstances, the Authority may extend the period to repay the loan in cash to no more than a total of 12 years."

**SECTION 1.(b)** Initial appointments to the North Carolina Teaching Fellows Commission shall be made no later than August 15, 2017. Initial appointments to the Commission shall expire July 1, 2019.

**SECTION 1.(c)** The Commission shall establish initial selection criteria for recipients and select the five institutions of higher education with approved educator preparation programs at which a recipient may use a forgivable loan no later than November 15, 2017, and shall make available applications to prospective students no later than December 31, 2017.

**SECTION 1.(d)** The Superintendent of Public Instruction shall establish the list of STEM and special education licensure areas and provide that information to the Commission and Authority no later than October 1, 2017.



1           **SECTION 1.(e)** The Commission shall select recipients and award the initial  
2 forgivable loans for the 2018-2019 academic year no later than April 1, 2018.

3           **SECTION 1.(f)** There is appropriated from the General Fund to the Board of  
4 Governors of The University of North Carolina (i) for the 2017-2018 fiscal year, the sum of two  
5 hundred fifty thousand dollars (\$250,000) in nonrecurring funds to be used to implement the North  
6 Carolina Teaching Fellows Program (Program), as established by this section, and (ii) for the  
7 2018-2019 fiscal year, the sum of six million dollars (\$6,000,000) in recurring funds to be used for  
8 the operation of the Program and for the award of forgivable loans to selected recipients beginning  
9 with the 2018-2019 academic year.

10           **SECTION 2.** G.S. 116-209.27(a) reads as rewritten:

11           "(a) The Authority shall, as of March 1, 2015, administer all outstanding scholarship loans  
12 previously awarded by the former North Carolina Teaching Fellows Commission and subject to  
13 repayment under the former Teaching Fellows ~~Program~~ Program administered pursuant to Part 2  
14 of Article 24C of Chapter 115C of the General Statutes."

15           **SECTION 3.** This act becomes effective July 1, 2017.





**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - UNIVERSITIES COMMITTEE REPORT**

**Representative John A. Fraley, Co-Chair  
Representative Jonathan C. Jordan, Co-Chair**

**FAVORABLE AND RE-REFERRED**

HB 339

North Carolina Teaching Fellows.

Draft Number: None

**Serial Referral:** **APPROPRIATIONS**

Recommended Referral: None

Long Title Amended: No

Floor Manager: Horn

TOTAL REPORTED: 1



\* C M R 1 1 2 - V - 1 \*



**House Pages  
Assignments  
Tuesday, March 28, 2017  
Session: 2:00 PM**

Committee	Room	Time	Staff	Comments	Member
Agriculture	643	12:00 PM	Christopher Tucker		Rep. Speaker Tim Moore
			Anthony Vincent		Rep. Speaker Tim Moore
Insurance	1228/1327	12:00 PM	Brenton Lanier		Rep. Brenden Jones
			Greyson Siderio		Rep. Chris Malone
Education - Universities	1228/1327	1:00 PM	Megan Hammaker		Rep. Kevin Corbin
			Sydney Todd		Rep. Speaker Tim Moore
			Benjamin Williams		Rep. Marvin Lucas
			TJ Elbert		Rep. Marvin Lucas
Health Care	643	1:00 PM	Jon Edmonston		Rep. Grier Martin
			Situna Taliau		Rep. Speaker Tim Moore
			Paul Patterson, II		Rep. Marvin Lucas
Judiciary II	421	1:00 PM	Darius Bellamy		Rep. Speaker Tim Moore
			Hunter Freeman		Rep. Speaker Tim Moore
			Naiia Pullen		Rep. Speaker Tim Moore
			Ubaldo Velasco-Lopez		Rep. Speaker Tim Moore



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education-Universities

DATE: 3/28/2017

Room: 1228/1327

House Sgt-At Arms:

1. Name: Jonas Cherry

2. Name: Rey Cooke

3. Name: Dean Marshbourne

4. Name: BARRY MOORE

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

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_

2. Name: \_\_\_\_\_

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

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

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



## VISITOR REGISTRATION SHEET

House Committee on Education-Universities

3/28/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

R. Blair	Public School Forum
K. Poston	Public School Forum
Catherine Truitt	UNC GA
SA	SA
Drew Moretz	UNC GA
Meredith Whitfield	WCU
Kari Travis	Carolina Journal
Betty Daska	UNC Charlotte
Mark Lanier	UNCW





# VISITOR REGISTRATION SHEET

House Committee on Education-Universities

3/28/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Leah Sutton	The Hunt Institute
Matthew Herr	DRMC
James Robinson	OSBM
Lee Tigner	
Robb Jansen	NCSBE
DAVID POWERS	UNC BOG
Andrew Cagle	UNC Greensboro
Aden Brann	WCASTA





**House Committee on Education - Universities**  
**Tuesday, April 11, 2017 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

**Sergeant at Arms**

1. **David Leighton**
2. **Joe Crook**
3. **Russell Salisbury**





**House Committee on Education - Universities  
Tuesday, April 11, 2017 at 1:00 PM  
Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - Universities met at 1:00 PM on Tuesday, April 11, 2017 in Room 1228/1327 of the Legislative Building. Representatives Jordan, Fraley, Brody, Carney, Davis, Hastings, Insko, and B. Turner attended. Drupti Chauhan, Kara McCraw, Brian Gwyn, Dee Atkinson (Research Staff Counsel), along with Emma Benson and Carol Wakely (Committee Clerks) were in attendance. A Visitor Registration list is attached and made part of these minutes (Attachment 1),

Representative Jordan, Chair, presided. The chair called the meeting to order at 1:03 PM. He introduced the Sergeants at Arms (Attachment 2). The following bill was considered:

*House Bill 485 and a summary are provided.*

**HOUSE BILL 485: UNC& CC CREDIT/NATIONAL GD ON SAD.**

Chairman Jordan recognized Rep. Grange to speak on the bill.

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.

Chairman Jordan recognized Rep. Fraley to present a technical Amendment (Attachment 5). The amendment was adopted.

Chairman Jordan recognized Captain Russ Niemyer with the North Carolina National Guard to speak in support of the bill.

After a short discussion the chair recognized Rep. Carney who moved to roll the amendment into a new PCS with a favorable report of the PCS and an unfavorable report of the original bill. The motion carried.

House Bill 485 has a serial referral to the House Committee on Education – community Colleges.

*House Bill 486 and a summary are provided (Attachments 6 and 7).*





## HOUSE BILL 486: NATIONAL GUARD TUITION ASSISTANCE PROGRAM.

Chairman Jordan recognized Rep. Grange to speak on the bill.

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.

Chairman Jordan recognized Rep. Carney to make a motion for a favorable report on the bill. The motion passed.

House Bill 486 has a serial referral to the House Committee on Education – Community Colleges.

*House Bill 532 and a summary are provided (Attachments 8 and 9).*

## HOUSE BILL 532: MODIFY UNC LABORATORY SCHOOLS.

Chairman Jordan recognized Rep. Horn to explain the bill.

House Bill 532 would make modifications to the governance and operation of the University of North Carolina Laboratory Schools.

Chairman Jordan recognized Reps. Brody, Insko, and Carney to speak on the bill.

After some discussion, Chairman Jordan recognized Rep. Davis to make a motion for a favorable report on the bill. The motion carried.

There being no further business, Chairman Jordan adjourned the meeting at 1:18 PM.

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Representative Jordan, Chair  
Presiding

---

Emma Benson, Committee Clerk







#### Attachments

1. Visitor Registration Sheet
2. Committee Sergeants at Arms
3. House Bill 485
4. House Bill 485 Summary
5. Amendment to House Bill 485
6. House Bill 486
7. House Bill 486 Summary
8. House Bill 532
9. House Bill 532 Summary



## VISITOR REGISTRATION SHEET

House Committee on Education-Universities

4/11/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Matthew Dathan	Appalachian State
Sarah Stone	NCSU
Michelle Brooks	ECU
Ray Trapp	NC A&T
Robb Jansen	NC SBE
James Robinson	OSBM
Adam Pridemore	NCRST
Matt Ellinwood	NC Justice Center
Julie Kowal	BEST NC
Tom Most	NCTCA



# VISITOR REGISTRATION SHEET

House Committee on Education-Universities

4/11/2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Richard Bostic	NC SBA
Reyna Walker Morgan	Chandler Consulting
Mary Thompson	NCCES
Tom Bowlin	NC NATIONAL GUARD
Russ Niemeyer	NCNG
Betty Dorst	DNC Charlotte
Catherine Truitt	UNC GA
Dick Collier	Law Off of Kite
Chris Broughton	MWC
Jonathan Kapper	UNC GA
Kewin Horner	UNC GA



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education-Universities

DATE: 4/11/2017 Room: 1228/1327

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Joe Crook
3. Name: Russell Salisbury
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

Attachment 3

H

1

HOUSE BILL 485\*

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

(Public)

Sponsors: Representatives G. Martin, Szoka, and Grange (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

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

- a. The student shall be given the opportunity to make up any test or other work missed during the excused absence.
- b. The student shall be given the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty.
- c. The student shall be given the option of receiving a temporary grade of "incomplete (IN)" or "absent from the final exam (AB)" for any course that the student was unable to complete as a result of being placed on State active duty status; however, the student must complete the course requirements within the period of time specified by the constituent institution to avoid receiving a failing grade for the course.
- d. The student shall be permitted to drop, with no penalty, any course that the student was unable to complete as a result of being placed on State active duty status."

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



1 each constituent institution to implement those policies beginning with the 2017 fall academic  
2 term.

3 **SECTION 2.(a)** G.S. 115D-5 is amended by adding a new subsection to read:

4 "(x) The State Board of Community Colleges shall adopt a policy to be applied  
5 uniformly throughout the Community College System to provide that any student enrolled in a  
6 community college who is a National Guard Service Member placed onto State active duty  
7 status during an academic term shall be given an excused absence for the period of time the  
8 student is on active duty. The policy shall further provide all of the following:

9 (1) The student shall be given the opportunity to make up any test or other work  
10 missed during the excused absence.

11 (2) The student shall be given the option, when feasible, to continue classes and  
12 coursework during the academic term through online participation for the  
13 period of time the student is placed on active duty.

14 (3) The student shall be given the option of receiving a temporary grade of  
15 "incomplete (IN)" or "absent from the final exam (AB)" for any course that  
16 the student was unable to complete as a result of being placed on State active  
17 duty status; however, the student must complete the course requirements  
18 within the period of time specified by the constituent institution to avoid  
19 receiving a failing grade for the course.

20 (4) The student shall be permitted to drop, with no penalty, any course that the  
21 student was unable to complete as a result of being placed on State active  
22 duty status."

23 **SECTION 2.(b)** The State Board of Community Colleges shall adopt the policies  
24 set out in G.S. 115D-5(x) as enacted by subsection (a) of this section by July 1, 2017, and shall  
25 direct each community college to implement those policies beginning with the 2017 fall  
26 academic term.

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



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

2017-2018 General Assembly

<b>Committee:</b>	House Education - Universities. If favorable, re-refer to Education - Community Colleges	<b>Date:</b>	April 11, 2017
<b>Introduced by:</b>	Reps. G. Martin, Szoka, Grange	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	First Edition		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

Karen Cochrane-Brown  
Director



H 4 8 5 - S M R Q - 2 4 E 1 - V - 1

Legislative Analysis  
Division  
919-733-2578

# House Bill 485

*Page 2*

service and these withdrawals cannot count in the calculation of GPAs or tuition surcharges. In regard to academic credit, the military students may receive an "incomplete" for the class or complete coursework by other means when possible such as online completion, testing out early, or making other arrangements with faculty members. Finally, the regulation directs campuses to allow deferral of enrollment, leaves of absence, and readmissions options for students called to active military duty.

Policy 1E SBCCC 99.4 in the SBCC Code directs each community college to grant a full refund of tuition and registration fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received reassignments that make it impossible to finish their course requirements. The community colleges are also directed to use distance learning technologies and other methodologies (to the extent possible) to assist active duty military students complete their course requirements.





# Attachment 5

## NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT House Bill 485\*

H485-ARQ-8 [v.1]

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

Page 1 of 1

Amends Title [NO]  
First Edition

Date \_\_\_\_\_, 2017

Representative Fraley

- 1 moves to amend the bill on page 2, line 18 by deleting the phrase "constituent institution" and  
2 replacing it with the following phrase "community college".  
3  
4

SIGNED \_\_\_\_\_

*John A. Fraley*

Amendment Sponsor

SIGNED \_\_\_\_\_

Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_

FAILED \_\_\_\_\_

TABLED \_\_\_\_\_



\* H 4 8 5 - A R Q - 8 - V - 1 \*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

## HOUSE BILL 486\*

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Short Title: National Guard Tuition Assistance Program. (Public)

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Sponsors: Representatives G. Martin and Szoka (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

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

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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 486: National Guard Tuition Assistance Program.

2017-2018 General Assembly

<b>Committee:</b>	House Education - Universities. If favorable, re-refer to Education - Community Colleges	<b>Date:</b>	April 11, 2017
<b>Introduced by:</b>	Reps. G. Martin, Szoka	<b>Prepared by:</b>	Drupti Chauhan
<b>Analysis of:</b>	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 CARO  
SESSION 2017

H

1

## HOUSE BILL 532\*

Short Title: Modify UNC Laboratory Schools.

(Public)

Sponsors: Representatives Horn, Johnson, and Fraley (Primary Sponsors).

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

Referred to: Education - Universities

March 30, 2017

A BILL TO BE ENTITLED  
AN ACT TO MODIFY THE GOVERNANCE AND OPERATION OF THE UNIVERSITY  
OF NORTH CAROLINA LABORATORY SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 29A of Chapter 116 of the General Statutes reads as  
rewritten:

"Article 29A.

"University of North Carolina Laboratory Schools.

**"§ 116-239.5. University of North Carolina laboratory schools; purpose.**

(a) The Board of Governors, ~~in consultation with~~ upon recommendation by the  
~~constituent institutions of The University of North Carolina with educator preparation~~  
~~programs.~~ President, shall designate ~~eight~~ at least ~~nine~~ constituent institutions to submit  
proposals to establish laboratory schools to serve public school students in accordance with the  
provisions of this Article. The Board of Governors shall select ~~eight~~ constituent institutions  
with ~~quality~~ ~~high-quality~~ educator preparation programs as demonstrated by the annual  
performance measures reported by the constituent institutions in accordance with  
G.S. 115C-296.13. The Board of Governors' Subcommittee on Laboratory Schools established  
under G.S. 116-239.7 shall review the proposals and approve at least nine of the proposals to  
establish laboratory schools. The Subcommittee shall oversee the operations of those laboratory  
schools to meet the purposes set forth in this Article.

(b) The mission of a laboratory school shall be to improve student performance in local  
school administrative units with low-performing schools by providing an enhanced education  
program for students residing in those units and to provide exposure and training for teachers  
and principals to successfully address challenges existing in high-needs school settings. A  
laboratory school shall provide an opportunity for research, demonstration, student support, and  
expansion of the teaching experience and evaluation regarding management, teaching, and  
learning.

(c) Each laboratory school shall expand student opportunities for educational success  
through high-quality instructional programming and innovative instruction and research by  
using the resources available to the constituent institution. Each constituent institution  
operating a laboratory school shall incorporate best practices gained from State initiatives  
focused on leadership development for both teachers and principals in low-performing schools  
and local school administrative units.

(d) Except as otherwise provided in this Article, at the Subcommittee, the chancellor of  
each constituent institution that operates a laboratory school, and the laboratory school is are



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1 exempt from statutes and rules applicable to a local board of education or local school  
2 administrative unit.

3 **"§ 116-239.6. Definitions.**

4 The following definitions apply in this Article:

- 5 (1) Advisory board. – An advisory board established by ~~the board of trustees~~  
6 chancellor under G.S. 116-239.8.
- 7 (2) Board of trustees. – The board of trustees of a constituent ~~institution that is~~  
8 ~~the governing body of the lab school established under this~~  
9 ~~Article.~~institution.
- 10 (2a) Chancellor. – The chancellor of a constituent institution who operates a  
11 laboratory school approved by the Subcommittee on Laboratory Schools  
12 under G.S. 116-239.7 or the chancellor's designee.
- 13 (3) Constituent institution. – A constituent institution of The University of North  
14 Carolina with an educator preparation program that has ~~been designated by~~  
15 ~~the Board of Governors to establish a laboratory school under~~  
16 ~~G.S. 116-239.5.~~operated in accordance with this Article.
- 17 (4) Laboratory school or lab school. – A public school created under  
18 G.S. 116-239.7 that (i) except as otherwise provided in G.S. 116-239.7(a2),  
19 is located in a qualifying local school administrative unit that has twenty five  
20 percent (25%) or more of the schools located in the unit identified as  
21 low-performing under G.S. 115C-105.37 and (ii) serves students in at least  
22 three consecutive grade levels in the range of kindergarten through eighth  
23 grade.
- 24 (4a) President. – The President of The University of North Carolina.
- 25 (5) Principal. – The principal of a ~~lab~~laboratory school.
- 26 (6) Subcommittee. – The Subcommittee on Laboratory Schools.

27 **"§ 116-239.7. ~~Plan for the location lab~~The Board of Governors' Subcommittee on**  
28 **Laboratory Schools; selection of laboratory schools; creation of a**  
29 **lablaboratory school; dissolution.**

30 (a) The Board of Governors' Subcommittee on Laboratory Schools. – The Board of  
31 Governors shall establish the Subcommittee on Laboratory Schools to oversee the  
32 establishment and operation of laboratory schools in accordance with this Article. The  
33 President of The University of North Carolina shall serve on the Subcommittee. Within the  
34 funds appropriated each fiscal year to the Board of Governors to be used to support the  
35 operations of the Board, the Board may establish a full-time equivalent position to coordinate  
36 and support the work of the Subcommittee.

37 (a1) ~~Plan for the Location~~Approval of LabLaboratory Schools. – The Board of  
38 ~~Governors, in collaboration with the boards of trustees of the constituent~~  
39 ~~institutions,~~Governors, upon the recommendation of the President, shall designate at least nine  
40 constituent institutions to establish and operate laboratory schools. The chancellor of each  
41 constituent institution shall adopt and submit to the Subcommittee a planproposal for the  
42 location of the lab schools to operate a laboratory school in a local school administrative  
43 unitsunit that meetmeets the minimum threshold for the number of low-performing schools  
44 located in the unitsunit under G.S. 116-239.6(4). The planproposal shall include the governance  
45 structure of the laboratory school. The Subcommittee shall evaluate the proposals for approval  
46 or disapproval by considering the design components and the strategic focus of the laboratory  
47 school and any other standards developed by the Subcommittee to be applicable to all  
48 laboratory schools. The Subcommittee shall also consider the location of each laboratory  
49 school so that, to the extent possible, there is a geographically diverse distribution of the  
50 ~~lab~~laboratory schools throughout the State and a maximum of one ~~lab~~laboratory school located  
51 in a qualifying local school administrative unit. ~~The Board of Governors shall update the plan~~



as necessary to reflect any changes to the status of a constituent institution operating a lab school and the status of qualifying local school administrative units at the end of the term of operation of a lab school. A constituent institution shall not adopt a resolution to create a lab school under this section prior to receiving approval from the Board of Governors on the location of the lab school. At least 90 days prior to implementation, the Board of Governors shall submit the plan and any revisions to the plan to the Joint Legislative Commission on Governmental Operations. From the proposals submitted to the Subcommittee, the Subcommittee shall approve the establishment of at least nine laboratory schools.

(a2) Waiver for Certain Local School Administrative Units. – Notwithstanding subsection (a1) of this section, a chancellor may submit a proposal to the Subcommittee to locate a laboratory school in a local school administrative unit that does not meet the minimum threshold for the number of low-performing schools located in the unit under G.S. 116-239.6(4) if the proposal demonstrates that the laboratory school shall primarily serve students who did not meet expected growth in the prior school year in accordance with G.S. 116-239.9(c1). The Subcommittee may waive the requirement for the number of low-performing schools in a local school administrative unit for the location of a laboratory school, for up to a total of three laboratory schools established under this Article, only if both of the following conditions are met for the laboratory school:

- (1) The proposal has been submitted jointly by the chancellor and the local school administrative unit in which the laboratory school will be located.
- (2) The Subcommittee determines that the proposed location would satisfy the purposes set forth in G.S. 116-239.5.

(b) Resolution by the Subcommittee to Create/Approve a Lab/Laboratory School. – The board of trustees of a constituent institutionSubcommittee shall adopt a resolution stating its intent to create a labupon the approval of each laboratory school, which shall include the following:

- (1) Name of the lablaboratory school.
- (2) The local school administrative unit in which the lablaboratory school shall be located. ~~The local school administrative unit in which the lab school is located shall meet the requirement under G.S. 116-239.6(4) that twenty-five percent (25%) or more of the schools located in the unit are identified as low-performing under G.S. 115C-105.37 at the time the resolution is adopted. However, the board of trustees shall continue to operate the lab school within the local school administrative unit for at least five years as provided under subdivision (3) of this subsection regardless of whether the local school administrative unit continues to qualify under G.S. 116-239.6(4).~~
- (3) A term of operation for the lablaboratory school of five years from the date of initial operation. At the end of five years of operation, if the lablaboratory school is still located in a local school administrative unit that has twenty-five percent (25%) or more of the schools located in the unit identified as low-performing under G.S. 115C-105.37, or if the Subcommittee renews a waiver of this requirement under subsection (a2) of this section, the resolution may be renewed by the constituent institutionSubcommittee at the end of the term for an additional five years. If the lablaboratory school is no longer (i) located in a qualifying local school administrative unit or (ii) meeting the purposes of this Article under a waiver at the end of five years, the board of trusteesSubcommittee shall notify the Board of Governors of the end of the term of operation and to request consultation on determining the location of creating a new lab school in accordance with subsection (a) of this section and designation of additional



1                   constituent institutions with educator preparation programs to establish a  
2                   laboratory school in accordance with the provisions of this Article.

3           (c)   Recognition of a ~~Lab~~Laboratory School. – ~~Each board of trustees that adopts a~~  
4 ~~resolution as provided in this section~~The Subcommittee shall file a copy of the~~each~~ resolution  
5 to approve a laboratory school with the ~~State Board of Education~~Department of Public  
6 Instruction. Upon receipt of a resolution from a ~~board of trustees for a named lab school~~,the  
7 Subcommittee and upon the recommendation of the Superintendent of Public Instruction, the  
8 State Board of Education shall approve the creation of the ~~lab~~laboratory school.

9           (d)   Dissolution or Assumption of a ~~Lab~~Laboratory School. – In the event of the  
10 potential dissolution of a ~~lab~~laboratory school at the end of the term of the school's operation or  
11 due to the termination of an educator preparation program at the constituent institution, ~~subject~~  
12 ~~to approval by the Board of Governors, the board of trustees~~the chancellor shall ~~adopt~~propose a  
13 plan in conjunction with the local school administrative unit in which the laboratory school is  
14 located for the dissolution or the assumption of the ~~lab~~laboratory school by a new ~~entity~~-entity  
15 and shall submit the plan to the Subcommittee for prior approval. ~~A local board of education of~~  
16 ~~the local school administrative unit in which the lab school is located may transition the lab~~  
17 ~~school to a public school under the governance of the local board or, if the local school~~  
18 ~~administrative unit still qualifies under G.S. 116-239.6(4), the board of trustees of another~~  
19 ~~constituent institution with an educator preparation program may assume operation of the lab~~  
20 ~~school. If the lab school is dissolved or a local board of education assumes operation of the~~  
21 ~~school, all net assets of the lab school purchased with public funds shall be deemed property of~~  
22 ~~the local school administrative unit in which the lab school is located. The State Board of~~  
23 ~~Education~~Board of Governors and the Department of Public Instruction shall be notified in the  
24 event of the dissolution or assumption of a ~~lab~~laboratory school, including the identity of the  
25 entity assuming operation of the school.

26 **"§ 116-239.8. Board of trustees;Chancellor; powers and duties.**

27           (a)   The chancellor of a constituent institution designated by the Board of Governors to  
28 establish a laboratory school shall submit a proposal in accordance with G.S. 116-239.7 that is  
29 consistent with any requirements established by the Subcommittee on Laboratory Schools in  
30 accordance with this Article.

31           (b)   The chancellor shall be the administrative head of a laboratory school approved by  
32 the Subcommittee and shall provide general direction for the establishment and operation of a  
33 laboratory school. The chancellor, with advice and input from the advisory board established in  
34 subdivision (1) of this subsection, shall adopt policies, operating procedures, and the courses of  
35 study to govern the operation of the laboratory school. The chancellor may designate the duties  
36 required by this Article to other personnel as necessary. ~~The board of trustees~~chancellor shall  
37 also have the following powers and duties:

38                   (1)   Advisory board. – ~~A board of trustees~~The chancellor shall ~~appoint~~establish  
39 an advisory board to provide ~~general oversight~~advice and guidance to the  
40 ~~board of trustees of the lab school~~chancellor as follows:

41                           a.   Composition of the advisory board. – The advisory board shall  
42 consist of up to 10 members who shall be appointed by the  
43 chancellor or serve ex officio as follows:

44                                   1.   The dean of the constituent institution's educator preparation  
45 program shall be a standing member of the advisory board  
46 and the board of trustees, upon recommendation of the  
47 president of the constituent institution,program.

48                                   2.   A member of the board of trustees of the constituent  
49 institution shall appoint four

50                                   3.   Two faculty members from the institution, at least two of  
51 whom are from the educator preparation program, one public



- 1 member who resides in the local school administrative unit in  
2 which the lab school is located, two parents or guardians of  
3 students who attend the lab school, and one lab school student  
4 appointed by the principal to serve on the advisory  
5 board-institution. At least one of the faculty members shall be  
6 faculty from the constituent institution's educator preparation  
7 program.
- 8 4. The superintendent of the local school administrative unit in  
9 which the laboratory school is located.
- 10 5. A member of the community who resides in the local school  
11 administrative unit in which the laboratory school is located.
- 12 6. Up to four other members that the chancellor deems  
13 necessary.
- 14 a1. Terms of members. – The term of each member shall be for ~~two~~four  
15 years, and any vacancy shall be filled with a person of the same  
16 classification as his or her predecessor for the balance of the  
17 unexpired term. No advisory board member shall serve more than  
18 two complete consecutive terms. The ~~board of trustees~~chancellor  
19 shall stagger the terms of the initial appointees in a manner that  
20 results in the expiration of terms of no more than ~~two~~three members  
21 in any year.
- 22 a2. Organization; meetings; expenses. – The ~~board of trustees~~chancellor  
23 shall call the organizational meeting of the advisory board. The  
24 advisory board shall meet at least quarterly. The advisory board shall  
25 annually elect a chair and a vice-chair. There shall be no limitation  
26 on ~~successive appointments to the advisory board or successive~~ terms  
27 that may be served by a chair or vice-chair. The advisory board shall  
28 adopt internal organizational procedures or bylaws necessary for  
29 efficient operation. Advisory board members shall not receive per  
30 diem or travel expenses for the performance of their duties.
- 31 b. Duties. – The advisory board ~~shall meet at least quarterly and shall~~  
32 have the following duties:
- 33 1. Monitor the operations of the ~~lab~~laboratory school and the  
34 distribution of moneys allocated for such operations.
- 35 2. Recommend to the ~~board of trustees~~chancellor necessary  
36 policy, program, and administration modifications.
- 37 3. Evaluate biennially the performance of the principal and  
38 recommend corresponding action to the ~~board of~~  
39 ~~trustees~~chancellor.
- 40 4. Annually review evaluations of the ~~lab~~laboratory school's  
41 operation and research findings.
- 42 (2) Academic program. – Laboratory school course of study. –
- 43 a. The ~~board of trustees~~chancellor shall establish the standard course of  
44 study for the ~~lab~~laboratory school. This course of study shall set forth  
45 the subjects to be taught in each grade and the texts and other  
46 educational materials on each subject to be used in each grade. The  
47 ~~board of trustees~~chancellor shall design its programs to meet at least  
48 the student performance standards adopted by the State Board of  
49 Education and the student performance standards contained in  
50 Chapter 115C of the General Statutes.

- 1                   b.     The ~~board of trustees~~chancellor shall conduct student assessments  
2                   required by the State Board of Education.
- 3                   c.     The ~~board of trustees~~chancellor shall adopt a school calendar  
4                   consisting of a minimum of 185 days or 1,025 hours of instruction  
5                   covering at least nine calendar months.
- 6           (3)     Standards of performance and conduct. – The ~~board of trustees~~chancellor  
7                   shall establish policies and standards for academic performance, attendance,  
8                   and conduct for students of the ~~lab~~laboratory school. The policies of the  
9                   ~~board of trustees~~chancellor shall comply with Article 27 of Chapter 115C of  
10                  the General Statutes.
- 11           (4)     Food and transportation services. – The local school administrative unit in  
12                   which the ~~lab~~laboratory school is located shall continue to provide food  
13                   services and transportation to students attending the ~~lab~~laboratory school.  
14                   The ~~board of trustees~~chancellor shall arrange for the provision of these  
15                   services from the local school administrative unit.
- 16           (5)     School attendance. – Every parent, guardian, or other person in this State  
17                   having charge or control of a child who is enrolled in the ~~lab~~laboratory  
18                   school and who is less than 16 years of age shall cause such child to attend  
19                   school continuously for a period equal to the time that the ~~lab~~laboratory  
20                   school shall be in session. No person shall encourage, entice, or counsel any  
21                   child to be unlawfully absent from the ~~lab~~laboratory school. Any person who  
22                   aids or abets a student's unlawful absence from the ~~lab~~laboratory school  
23                   shall, upon conviction, be guilty of a Class 1 misdemeanor. The principal  
24                   shall be responsible for implementing such additional policies concerning  
25                   compulsory attendance as shall be adopted by the ~~board of~~  
26                   ~~trustees, chancellor,~~ including regulations concerning lawful and unlawful  
27                   absences, permissible excuses for temporary absences, maintenance of  
28                   attendance records, and attendance counseling.
- 29           (6)     Reporting. – The ~~board of trustees~~chancellor shall comply with the reporting  
30                   requirements established by the State Board of Education in the Uniform  
31                   Education Reporting System.
- 32           (7)     Assessment results. – The ~~board of trustees~~chancellor shall provide data to  
33                   the local school administrative unit on the performance of ~~that~~  
34                   ~~student~~students on any testing required by the State Board of Education.
- 35           (8)     Education of children with disabilities. – The ~~board of trustees~~chancellor  
36                   shall require compliance with laws and policies relating to the education of  
37                   children with disabilities.
- 38           (9)     Health and safety. – The ~~board of trustees~~chancellor shall require that the  
39                   ~~lab~~laboratory school meet the same health and safety standards required of a  
40                   local school administrative unit. The Department of Public Instruction shall  
41                   ensure that ~~lab~~laboratory schools comply with G.S. 115C-375.2A. The ~~board~~  
42                   ~~of trustees of a lab school~~chancellor shall provide the ~~laboratory~~ school with  
43                   a supply of emergency epinephrine auto-injectors necessary to carry out the  
44                   provisions of G.S. 115C-375.2A.
- 45           (10)    School Risk Management Plan. – Each ~~lab~~laboratory school, in coordination  
46                   with local law enforcement agencies, is encouraged to adopt a School Risk  
47                   Management Plan (SRMP) relating to incidents of school violence. In  
48                   constructing and maintaining these plans, a ~~lab~~laboratory school may utilize  
49                   the School Risk and Response Management System (SRRMS) established  
50                   pursuant to G.S. 115C-105.49A. These plans are not considered a public



record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(11) Schematic diagrams and school crisis kits. – ~~Lab~~Laboratory schools are encouraged to provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.

(12) School safety exercises. – At least once a year, a ~~lab~~laboratory school is encouraged to hold a full schoolwide lockdown exercise with local law enforcement and emergency management agencies that are part of the ~~lab~~laboratory school's SRMP.

(13) Safety information provided to the Department of Public Safety, Division of Emergency Management. – A ~~lab~~laboratory school is encouraged to provide the following: (i) schematic diagrams, including digital schematic diagrams and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

(14) North Carolina school report cards. – A ~~lab~~laboratory school shall ensure that the report card issued for it by the State Board of Education receives wide distribution to the local press or is otherwise provided to the public. A ~~lab~~laboratory school shall ensure that the overall school performance score and grade earned by the ~~lab~~laboratory school for the current and previous four school years is prominently displayed on the school Web site. If a ~~lab~~laboratory school is awarded a grade of D or F, the ~~lab~~laboratory school shall provide notice of the grade in writing to the parent or guardian of all students enrolled in that school.

(15) Policy against bullying. – A ~~lab~~laboratory school is encouraged to adopt a policy against bullying or harassing behavior, including cyberbullying, that is consistent with the provisions of Article 29C of Chapter 115C of the General Statutes. If a ~~lab~~laboratory school adopts a policy to prohibit bullying and harassing behavior, the ~~lab~~laboratory school shall, at the beginning of each school year, provide the policy to staff, students, and parents as defined in G.S. 115C-390.1(b)(8).

(16) Access for youth groups. – ~~Lab~~Laboratory schools are encouraged to facilitate access for students to participate in activities provided by any youth group listed in Title 36 of the United States Code as a patriotic society, such as the Boy Scouts of America, and its affiliated North Carolina groups and councils, and the Girl Scouts of the United States of America, and its affiliated North Carolina groups and councils. Student participation in any activities offered by these organizations shall not interfere with instructional time during the school day for the purposes of encouraging civic education.

**"§ 116-239.9. Student admissions and assignment.**

(a) Any child who is residing in a local school administrative unit in which a ~~lab~~laboratory school is located and (i) is enrolled in a low-performing school, as defined by G.S. 115C-105.37 at the time of the student's application, or (ii) did not meet expected growth in the prior school year based on one or more indicators listed in subsection (c1) of this section is eligible to attend the ~~lab~~laboratory school.

(b) No local board of education shall require any student enrolled in the local school administrative unit to attend a ~~lab~~laboratory school.



(c) During each period of enrollment, the ~~laboratory~~ school shall enroll an eligible student under subsection (a) of this section who submits a timely application, with priority enrollment given in the order in which applications are received to up to the capacity of a program, class, grade level, or building, in the order in which applications are received. Once enrolled, students are not required to reapply in subsequent enrollment periods.

(c1) For the purposes of this Article, any of the following shall serve as indicators that a student ~~who did not meet expected student growth in the prior school year based on any of the following year:~~ (i) grades, (ii) observations, (iii) diagnostic and formative assessments, (iv) State assessments, or (v) other factors, including reading on grade level. ~~If the number of applications from other eligible students exceeds the capacity of a program, class, grade level, or building, those students shall be accepted by lot. Once enrolled, students are not required to reapply in subsequent enrollment periods.~~

(d) Notwithstanding any law to the contrary, a ~~laboratory~~ school may refuse admission to any student who has been expelled or suspended from a public school under G.S. 115C-390.5 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

**"§ 116-239.10. Employees.**

The ~~board of trustees~~ chancellor shall appoint all licensed and nonlicensed staff in accordance with the following:

- (1) Principal. – The constituent institution shall employ and contract with a principal for a term not to exceed three years. The principal shall meet the requirements for licensure set out in G.S. 115C-284, unless ~~waived~~ waived, upon the recommendation of the Superintendent of Public Instruction, by the State Board of Education upon submission of a request by the board of trustees ~~chancellor~~ that is approved by the Subcommittee. The principal shall be responsible for school operations and shall exercise those duties and powers delegated by the ~~board of trustees~~ chancellor.
- (2) Faculty members. – Faculty members may serve simultaneously as instructional personnel for the ~~laboratory~~ school and ~~the~~ constituent institution.
- (3) Teachers. – The constituent institution shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school. At least fifty percent (50%) of teachers employed by the constituent institution shall hold teacher licenses, unless ~~waived~~ waived, upon the recommendation of the Superintendent of Public Instruction, by the State Board of Education upon submission of a request by the board of trustees ~~chancellor~~ that is approved by the Subcommittee.
- (4) Leave of absence from local school administrative unit. – If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at the ~~laboratory~~ school, the local school administrative unit shall grant the leave for one year. For the initial year of the ~~laboratory~~ school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of the ~~laboratory~~ school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that local board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving a

1 leave of absence to teach at the ~~lab~~laboratory school may return to a public  
2 school in the local school administrative unit with career status at the end of  
3 the leave of absence or upon the end of employment at the ~~lab~~laboratory  
4 school if an appropriate position is available. If an appropriate position is  
5 unavailable, the teacher's name shall be placed on a list of available teachers  
6 in accordance with G.S. 115C-325(e)(2).

7 (5) Nonlicensed employees. – The constituent institution also may employ  
8 necessary employees who are not required to hold teacher licenses to  
9 perform duties other than teaching and may contract for other services.

10 (6) Employment dismissal. – An employee of the constituent institution is not an  
11 employee of the local school administrative unit in which the ~~lab~~laboratory  
12 school is located. The constituent institution may discharge licensed and  
13 nonlicensed employees according to the terms of the employment contract.

14 (7) Employee benefits. – Employees of the constituent institution who work in  
15 laboratory schools shall be considered State employees and shall participate  
16 in the Teachers' and State Employees' Retirement System and the State  
17 Health Plan on the same terms as other State employees employed by the  
18 constituent institution.

19 (8) Exemptions. – Employees of the constituent institution shall be exempt from  
20 Chapter 126 of the General Statutes, except Articles 6 and 7.

21 **"§ 116-239.11. State and local funds.**

22 (a) The State Board of Education shall allocate to a ~~lab~~laboratory school the following:

23 (1) An amount equal to the average per pupil allocation for average daily  
24 membership from the local school administrative unit allotments in which  
25 the school is located for each child attending the ~~lab~~laboratory school, except  
26 for the allocation for children with disabilities, for the allocation for children  
27 with limited English proficiency, and for the allocation for transportation  
28 services.

29 (2) An additional amount for each child attending the ~~lab~~laboratory school who  
30 is a child with disabilities. In the event a child with disabilities leaves the  
31 ~~lab~~laboratory school and enrolls in a public school during the first 60 school  
32 days in the school year, the ~~lab~~laboratory school shall return a pro rata  
33 amount of funds allocated for that child to the State Board, and the State  
34 Board shall reallocate those funds to the local school administrative unit in  
35 which the public school is located. In the event a child with disabilities  
36 enrolls in the ~~lab~~laboratory school during the first 60 school days in the  
37 school year, the State Board shall allocate to the ~~lab~~laboratory school the pro  
38 rata amount of additional funds for children with disabilities.

39 (3) An additional amount for children with limited English proficiency attending  
40 the ~~lab~~laboratory school, based on a formula adopted by the State Board.

41 (b) The State Board shall allow for annual adjustments to the amount allocated to the  
42 ~~lab~~laboratory school based on its enrollment growth in school years subsequent to the initial  
43 year of operation.

44 (c) Funds allocated by the State Board of Education may be used to enter into  
45 operational and financing leases for real property or mobile classroom units for use as school  
46 facilities for ~~lab~~laboratory schools and may be used for payments on loans made to  
47 ~~lab~~laboratory schools for facilities, equipment, or operations. However, State funds allocated  
48 under this section shall not be used to obtain any other interest in real property or mobile  
49 classroom units.

50 (d) If a student attends a ~~lab~~laboratory school, the local school administrative unit in  
51 which the child resides shall transfer to the ~~lab~~laboratory school an amount equal to the per

pupil share of the local current expense fund of the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the ~~lab~~laboratory school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and ~~lab~~laboratory school may use the process for mediation of differences provided in G.S. 115C-218.95(d) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a ~~lab~~laboratory school located in the tax district for which these taxes are levied and in which the student resides.

(e) The local school administrative unit shall also provide each ~~lab~~laboratory school to which it transfers a per pupil share of its local current expense fund with all of the following information within the 30-day time period provided in subsection (d) of this section:

- (1) The total amount of monies the local school administrative unit has in each of the funds listed in G.S. 115C-426(c).
- (2) The student membership numbers used to calculate the per pupil share of the local current expense fund.
- (3) How the per pupil share of the local current expense fund was calculated.
- (4) Any additional records requested by a ~~lab~~laboratory school from the local school administrative unit in order for the ~~lab~~laboratory school to audit and verify the calculation and transfer of the per pupil share of the local current expense fund.

(f) Prior to commencing an action under subsection (d) of this section, the complaining party shall give the other party 15 days' written notice of the alleged violation. The court shall award the prevailing party reasonable attorneys' fees and costs incurred in an action under subsection (d) of this section. The court shall order any delinquent funds, costs, fees, and interest to be paid in equal monthly installments and shall establish a time for payment in full that shall be no later than one year from the entry of any judgment.

**"§ 116-239.12. Criminal history record checks.**

(a) As used in this section:

- (1) "Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative, and Court Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5



of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) "School personnel" means any of the following:

- a. Member of ~~the board of trustees or the~~ advisory board.
- b. ~~Employee~~Staff of the ~~lab~~laboratory school.
- c. Independent contractor or employee of an independent contractor of the ~~lab~~laboratory school if the independent contractor carries out duties customarily performed by school personnel, whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of the ~~lab~~laboratory school.

(b) The ~~board of trustees~~chancellor shall adopt a ~~policy~~policy, with advice and input from the advisory board, that requires an applicant for a school personnel position to be checked for a criminal history as provided in subsection (c) of this section. The ~~board of trustees~~chancellor shall apply ~~its~~the policy uniformly in requiring applicants for school personnel positions to be checked for a criminal history. The ~~board of trustees~~chancellor may grant conditional approval of an application while the ~~board of trustees~~chancellor is checking a person's criminal history and making a decision based on the results of the check. An applicant for a school personnel position shall not be required to be checked for a criminal history if he or she has received a license within six months of employment that required a criminal history check equivalent to the criminal history check required in subsection (c) of this section.

The ~~board of trustees~~chancellor shall not require an applicant to pay for the criminal history record check authorized under this section.

(c) The ~~board of trustees~~chancellor shall require the person to be checked by the Department of Public Safety (i) to be fingerprinted and to provide any additional information required by the Department of Public Safety to a person designated by the ~~board of trustees~~chancellor or to the local sheriff or the municipal police, whichever is more convenient for the person and (ii) to sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The ~~board of trustees~~chancellor shall consider refusal to consent when making employment decisions and decisions with regard to independent contractors. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Public Safety shall provide to the ~~board of trustees~~chancellor the criminal history from the State and National Repositories of Criminal Histories of any school personnel for which the ~~board of trustees~~chancellor requires a criminal history record check.

The ~~board of trustees~~chancellor shall not require school personnel to pay for fingerprints authorized under this section.

(d) The ~~board of trustees~~chancellor shall review the criminal history it receives on an individual. The ~~board of trustees~~chancellor shall determine whether the results of the review indicate that the individual (i) poses a threat to the physical safety of students or personnel or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel and shall use the information when making employment decisions and decisions with regard to independent contractors. The ~~board of trustees~~chancellor shall make written findings with regard to how it used the information when making employment decisions and decisions with regard to independent contractors. The ~~board of trustees~~chancellor may delegate any of the duties in this subsection to the principal.



(e) The ~~board of trustees, or the principal if designated by the board of trustees,~~ chancellor shall provide to the State Board of Education the criminal history it receives on a person who is certificated, certified, or licensed by the State Board of Education. The State Board of Education shall review the criminal history and determine whether the person's certificate or license should be revoked in accordance with State laws and rules regarding revocation.

(f) All the information received by the ~~board of trustees~~ chancellor through the checking of the criminal history or by the State Board of Education in accordance with this section is privileged information and is not a public record but is for the exclusive use of the ~~board of trustees~~ chancellor or the State Board of Education. The ~~board of trustees~~ chancellor or the State Board of Education may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(g) There shall be no liability for negligence on the part of the ~~board of trustees, or its employees, chancellor, the constituent institution, the advisory board, the Subcommittee, the Department of Public Instruction, or the State Board of Education, or its~~ their employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(h) Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor.

**"§ 116-239.13. Review of ~~lab~~laboratory schools.**

The ~~Board of Governors of The University of North Carolina, in conjunction with the constituent institutions operating lab schools and the State Board of Education,~~ Subcommittee on Laboratory Schools shall review and evaluate the educational effectiveness of the ~~lab~~laboratory schools authorized under this Article for both public school students and students enrolled in educator preparation ~~programs~~ programs according to standards and protocols established by the Subcommittee. The ~~Board of Governors~~ Subcommittee shall report by November 15 of each year to the Joint Legislative Education Oversight Committee on the following:

- (1) Information on public school student enrollment in each ~~lab~~laboratory school, including student demographics.
- (2) The public school student admissions process and the number of students enrolled ~~under the priority admissions~~ under the category of (i) students who were previously enrolled in a low-performing school and (ii) students who did not meet expected student growth in the school year prior to enrollment at each ~~lab~~laboratory school.
- (3) Public school student achievement data, including school performance grades and student achievement scores and student growth, at each ~~lab~~laboratory school.
- (4) Public school student academic progress in each ~~lab~~laboratory school as measured against the previous school year and against other schools located in the local school administrative unit and statewide.
- (5) Information on the student outcomes for students who are enrolled in each educator preparation program who obtained clinical experience in school leadership and teaching in the ~~lab~~laboratory schools, including the performance elements reported under G.S. 115C-296.13(b).



(6) Best practices resulting from ~~lab~~laboratory school operations.

(7) Other information the ~~Board~~Subcommittee considers appropriate."

**SECTION 2.** G.S. 14-458.2(a) reads as rewritten:

"(a) The following definitions apply in this section:

(1) School employee. – The term means any of the following:

a. An employee of a local board of education, a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a ~~lab~~laboratory school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.

b. An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a ~~lab~~laboratory school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school.

(2) Student. – A person who has been assigned to a school by a local board of education as provided in G.S. 115C-366 or has enrolled in a charter school authorized under G.S. 115C-218.5, a regional school created under G.S. 115C-238.62, a ~~lab~~laboratory school created under G.S. 116-239.7, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of those schools within the last year."

**SECTION 3.** G.S. 143B-931 is amended by adding a new subsection to read:

"(b1) The Department of Public Safety may provide a criminal history record check to the chancellor operating a University of North Carolina laboratory school of a person who is employed at a laboratory school or of a person who has applied for employment at a laboratory school if the employee or applicant consents to the record check. The Department may also provide a criminal history record check of school personnel, as defined in G.S. 116-239.12, by fingerprint card to the chancellor operating the laboratory school from the National Repositories of Criminal Histories, in accordance with G.S. 116-239.12. The information shall be kept confidential by the chancellor operating the laboratory school as provided in G.S. 116-239.12."

**SECTION 4.** Section 11.6 of S.L. 2016-94 reads as rewritten:

**"UNC TEACHER AND PRINCIPAL PREPARATION PROGRAM  
LABLABORATORY SCHOOL FOR K-8 STUDENTS**

...

"**SECTION 11.6.(d)** Notwithstanding G.S. 116-239.5, ~~four lab~~at least nine laboratory schools shall be established pursuant to Article 29A of Chapter 116 of the General Statutes, as enacted by this section, ~~to begin operation in~~and in operation by the beginning of the ~~2017-2018~~2019-2020 school year. ~~Four additional lab schools shall be established to begin operation in the 2018-2019 school year.~~

"**SECTION 11.6.(e)** ~~Notwithstanding G.S. 116-239.7(a), as enacted by this section, by November 1, 2016, the Board of Governors of The University of North Carolina shall submit the plan for the location of the eight lab schools, including identifying the constituents institutions that will be operating the lab schools, to the Joint Legislative Commission on Governmental Operations in accordance with G.S. 116-239.7(a).~~

1       Notwithstanding Article 29A of Chapter 116 of the General Statutes, as enacted by this  
2 section, no earlier than April 1, 2017, a constituent institution of The University of North  
3 Carolina with an educator preparation program that has been designated by the Board of  
4 Governors to establish a lab school shall adopt a resolution to create the lab school under  
5 G.S. 116-239.7 and in accordance with subsection (d) of this section.

6       "SECTION 11.6.(f) The nonrecurring funds in the amount of one million dollars  
7 (\$1,000,000) appropriated by this act to the Board of Governors for the UNC Teacher and  
8 Principal Preparation Laboratory School Program for the 2016-2017 fiscal year shall be  
9 ~~allocated to The University of North Carolina General Administration~~ used for the work of the  
10 Board of Governors' Subcommittee on Laboratory Schools, including to provide administrative  
11 and technical assistance to constituent institutions with educator preparation programs to  
12 support the establishment of lablaboratory schools in accordance with this section.

13       "SECTION 11.6.(g) By November 15, 2017, the ~~Board of Governors~~ Subcommittee shall  
14 submit a report to the Joint Legislative Education Oversight Committee on the progress of  
15 establishing the lablaboratory schools, including information on student enrollment numbers  
16 and the admissions ~~process~~ process, if applicable, and any other information the  
17 ~~Board~~ Subcommittee deems relevant. By November 15, 2018, the ~~Board~~ of  
18 ~~Governors~~ Subcommittee shall submit the initial report required by G.S. 116-239.13 to the Joint  
19 Legislative Education Oversight Committee."

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





## HOUSE BILL 532: Modify UNC Laboratory Schools.

2017-2018 General Assembly

**Committee:** House Education - Universities  
**Introduced by:** Reps. Horn, Johnson, Fraley  
**Analysis of:** First Edition

**Date:** April 11, 2017  
**Prepared by:** Drupti Chauhan  
Committee Counsel

**OVERVIEW:** *House Bill 532 would make modifications to the governance and operation of The University of North Carolina Laboratory Schools.*

**CURRENT LAW:** In 2016, the General Assembly created The University of North Carolina Laboratory Schools (lab schools). Lab schools are public schools serving students in kindergarten through eighth grade that are established by a designated constituent institution of The University of North Carolina with an education preparation program and located in a local school administrative unit (LEA) that has 25% or more low-performing schools. The mission of the lab schools is to provide an enhanced education program for students residing in those LEAs and to provide exposure and training for teachers and principals to successfully address challenges existing in high-needs school settings. Per the 2016 provision, 4 of the schools must open in the 2017-2018 school year, and 4 must open in the 2018-2019 school year. The board of trustees of the constituent institution must oversee the lab school, including establishing an advisory board, the academic program for the school, and standards of performance and conduct for the school. Food and transportation services for the school will be provided by the LEA in which the school is located.

Students who reside in and are enrolled in a low-performing school in the LEA in which the lab school is located may apply to attend the lab school, with priority enrollment given to students who did not meet expected student growth based on a number of factors. Lab schools must be provided State and local funding similar to funding for charter schools.

**BILL ANALYSIS:** House Bill 532 would make various changes to the governance and operation of the lab schools.

### Establishment and Governance

The Board of Governors of The University of North Carolina (UNC BOG), upon recommendation by the President of The University of North Carolina (President), would designate at least 9 (instead of 8) constituent institutions with high quality education preparation programs to submit proposals to establish the lab schools. The UNC BOG must establish a Subcommittee on Lab Schools (BOG Subcommittee) to: (i) review and evaluate the proposals and approve at least 9 and (ii) oversee the operations of the lab schools that are established. The BOG Subcommittee, the chancellor of each constituent institution that operates a lab school, and the lab school are exempt from statutes and rules applicable to LEAs.

### Waivers to Establish Lab Schools in Certain LEAs

The bill would allow chancellors to submit a proposal to the Subcommittee to locate a lab school in a LEA that does not meet the minimum threshold of 25% low-performing schools if it can be shown that the lab school would primarily serve students who did not meet expected growth in the prior school year.

The BOG Subcommittee could waive the requirement of a minimum number of low-performing schools in a LEA for up to 3 lab schools only if: (i) the proposal is submitted jointly by the chancellor and the LEA in which the lab school will be located and (ii) The Subcommittee determines the proposed location would serve the mission and purpose of the lab schools.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 532

Page 2

## **Creation and Dissolution of Lab Schools**

The bill would require the BOG Subcommittee, rather than the board of trustees of a constituent institution, to adopt a resolution upon approving each lab school. The term of operation for a lab school is 5 years. If, at the end of 5 years, the lab school is no longer in a qualifying LEA or meeting the waiver requirement, then the BOG Subcommittee must request the BOG to designate additional constituent institutions to establish lab schools. Upon receipt of the resolution and upon recommendation of the Superintendent of Public Instruction, the State Board of Education must approve the creation of the lab school.

If the lab school is about to be dissolved at the end of its 5 year term of operation or because the constituent institution's educator preparation program is going to be terminated, the chancellor of the constituent must propose a plan with the LEA for the dissolution or assumption of the lab school by a new entity and must submit the plan to the BOG Subcommittee for prior approval.

## **Authority of Chancellors of the Constituent Institutions Establishing Lab Schools and Advisory Boards**

The bill would provide that chancellors of the constituent institutions establishing the lab schools be the administrative head of the lab school rather than the boards of trustees of these institutions. The chancellor, with advice and input from an advisory board (described below) would adopt policies, operating procedures, and the courses of study for the lab school. The chancellor could designate these duties to other personnel.

Instead of the boards of trustees, the chancellor would establish an advisory board to provide advice and guidance. The advisory board would have up to 10 members including the dean of the constituent institution's educator preparation program, a member of the board of trustees, faculty members, the superintendent of the LEA in which the lab school is located, a member of the community, and others deemed necessary. The terms of the advisory board members would increase from 2 to 4 years and be limited to 2 complete consecutive terms.

## **Student Admissions and Assignment**

The bill would clarify that any student residing in a LEA in which a lab school is located is eligible to attend if student is (i) enrolled in a low-performing school at the time of the student's application to the lab school or (ii) the student did not meet expected growth in the prior school year based on various factors.

The bill further clarifies that a lab school must enroll eligible students up to the capacity of a program, class, grade level, or building, in the order in which the applications are received.

## **Employees of Lab Schools**

The bill clarifies that the chancellor of the constituent institution establishing the lab school would appoint all staff, rather than the board of trustees. The Superintendent of Public Instruction may recommend waiver of licensure requirements for the principal of the lab school and may also recommend waiver of the requirement that at least 50% of the teachers hold teaching licenses. Both of these waiver recommendations to the State Board of Education (SBE) must be upon the submission of a request of the chancellor that is approved by the Subcommittee. Employees are considered State employees.

## **Review of Lab Schools**

The bill would change who reviews and evaluates the lab schools from the UNC BOG, the SBE, and the constituent institutions to the BOG Subcommittee. The Subcommittee would then submit the annual report to the Joint Legislative Education Oversight Committee.

## **Technical and Conforming Changes**

The bill also makes technical and conforming changes throughout the affected statutes. Finally, it directs that the 9 lab schools must be in operation by the beginning of the 2019-2020 school year, rather than the 2017-2018 school year.

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

Corrected #3: HB 527 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 - Universities** will meet as follows:

**DAY & DATE:** Wednesday, April 19, 2017

**TIME:** 3:00 PM

**LOCATION:** 643 LOB

The following bills will be considered:

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
<u>HB 527</u>	Restore/Preserve Campus Free Speech.	Representative Millis Representative Jordan

Respectfully,

Representative John A. Fraley, Co-Chair  
Representative Jonathan C. Jordan, Co-Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 10:59 AM on Tuesday, April 18, 2017.

\_\_\_\_ Principal Clerk  
\_\_\_\_ Reading Clerk – House Chamber

Carol Wakely (Committee Assistant)



**House Committee on Education - Universities**  
**Wednesday, April 19, 2017, 3:00 PM**  
**643 Legislative Office Building**

**AGENDA**

**Welcome and Opening Remarks**

**Introduction of Pages**

**Bills**

<b>BILL NO.</b>	<b>SHORT TITLE</b>	<b>SPONSOR</b>
HB 527	Restore/Preserve Campus Free Speech.	Representative Millis
HB 549	UNC Benchmark/Reporting Dates.	Representative Jordan Representative Fraley

**Presentations**

**Other Business**

**Adjournment**



## ATTENDANCE

**House Standing Committee on Education ~ Universities**

(Name of Committee)

[illegible]





**House Committee on Education - Universities**  
**Wednesday, April 19, 2017 at 3:00 PM**  
**Room 643 of the Legislative Office Building**

**MINUTES**

The House Committee on Education ~ Universities met at 3:00 PM on April 19, 2017 in Room 643 of the Legislative Office Building. Representatives J. Bell, Brody, Carney, Davis, Elmore, Fraley, Hanes, Hastings, Insko, Jordan, Michaux, R. Moore, and B. Turner attended.

Representative John A. Fraley, Chair, presided, and recognized the Sergeant-at-Arms staff attending the meeting today.

The following two bills were considered:

**HB 549 UNC Benchmark/Reporting Dates. (Representative Fraley)**

**HB 527 Restore/Preserve Campus Free Speech. (Representatives Millis, Jordan)**

Rep. John Fraley began the meeting at 3:05 pm. Rep. Jordan chaired temporarily so that Rep. Fraley could present HB 549 to the Committee. He explained the UNC Board of Governors has the authority to set benchmarks for certain purchasing contracts. Thus, Sections 1 and 2 of the bill would allow the University System President the same purchasing and contracting authority as the individual Chancellors. Section 3 directs the BOG to submit annual reports on fire sprinklers in residence halls, and Section 4 changes the reporting date for data on graduates of cooperative innovative high schools. There were no questions or discussion of the bill, and Rep. Carney motioned for a Favorable Report, with no serial referral. The “ayes” had the vote, and the bill passed. Rep. Fraley thanked the Committee, and resumed as Chair.

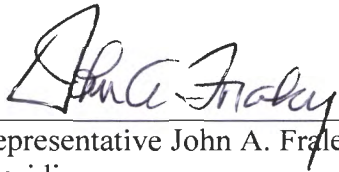
The Committee then voted to go ahead and discuss the PCS for HB 527, upon a motion made by Rep. Davis. Together, Reps. Millis and Jordan presented the bill. There was debate & discussion about the purpose of the bill and why it was necessary. Rep. Millis stated the Legislature needs to act to protect freedom of expression & foster intellectual diversity of all types on UNC campuses without disruptive interference. This bill was “crafted with First Amendment rights in mind” and much work was done to alleviate UNCGA concerns about neutrality and cause of action sections of the original bill draft. There is a Senate Companion Bill by Sen. Bishop. Tom Shannahan, UNC/BOG General Counsel, answered questions from the Committee. General Counsel to the Lt. Governor Dan Forest, Steven Walker, spoke briefly on professor/institutional neutrality. Staff member, Brian Gwyn, gave a point of clarification that the PCS states that the university shall strive to be neutral in public policies. This bill will go to Judiciary II Committee.

There were 2 public speakers on the bill: Susanna Birdsong (ACLU) spoke against the bill as drafted. Anna Beaven Gravely (AFP/GO) spoke in favor of the bill. Rep. Insko calls for the “ayes” & “no’s.”

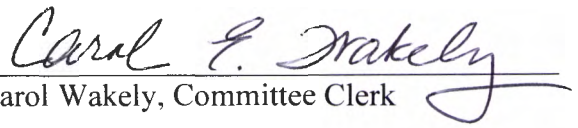


Chair Fraley calls for a vote & Rep. Elmore motioned for Favorable to PCS, unfavorable to original bill. The Chair called for a hand vote & the bill passed w/7-2 vote. Rep. Michaux questioned the vote, that it was a vote to go ahead with an "ayes & no's" vote only, not a vote on the bill itself. The Chair corrected, and Rep. Insko asked the Clerk to call the roll. The Chair called for a second vote on the "ayes & no's" and the motion passed to have a Roll Call Vote on Rep. Elmore's motion. The Clerk Called the Roll and Chair Fraley announced the vote is tied (6 - 6), so the motion for a Favorable report failed and the bill remains in the committee.

The meeting adjourned at 3:55 pm.



Representative John A. Fraley, Chair  
Presiding



Carol Wakely, Committee Clerk



**ATTACHMENTS:**

- House Bill 549
- HB 527
- Roll Call Vote for HB 527
- Sergeant At Arms Listing
- Visitor Registration Forms



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

1

HOUSE BILL 549\*

Short Title: UNC Benchmark/Reporting Dates.

(Public)

Sponsors: Representative Fraley.

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

Referred to: Education - Universities

April 5, 2017

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE BOARD OF GOVERNORS TO SET THE EXPENDITURE BENCHMARK FOR THE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA AT AN AMOUNT CONSISTENT WITH THE MAXIMUM BENCHMARK SET FOR CONSTITUENT INSTITUTIONS; AUTHORIZING THE BOARD OF GOVERNORS TO SUBMIT ANNUAL PROGRESS REPORTS ON THE INSTALLATION OF FIRE SPRINKLERS IN RESIDENCE HALLS; AND CHANGING THE DATE BY WHICH THE BOARD OF GOVERNORS SHALL BEGIN REPORTING ANNUALLY THE NUMBER OF STUDENTS WHO GRADUATED FROM EARLY COLLEGE HIGH SCHOOL AND APPLIED FOR ADMISSION TO A CONSTITUENT INSTITUTION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-31.10 reads as rewritten:

**"§ 116-31.10. Powers of Board regarding certain purchasing contracts.**

(a) Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for the President of The University of North Carolina or a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than five hundred thousand dollars (\$500,000). The Board shall set the benchmark for the President and each institution from time to time. In setting an institution's the benchmark for the President or an institution in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. reports of the President's administrative staff or the institution. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark.

(b) ~~Each~~ If the President or a constituent institution with has an expenditure benchmark greater than ~~two hundred fifty thousand dollars (\$250,000)~~ two hundred fifty thousand dollars (\$250,000), the President or constituent institution shall comply with this subsection for any purchase greater than the President's or institution's benchmark set by the Board but not greater than five hundred thousand dollars (\$500,000). ~~This~~ The President or institution shall submit to the Division of Purchase and Contract for that Division's approval or other action deemed necessary by the Division a copy of all offers received and the President's or institution's recommendation of award or other action. Notice of the Division's decision shall be sent to ~~that~~ the President or the institution. The President or institution shall then proceed with the award of contract or other action recommended by the Division."

**SECTION 2.** G.S. 143-53.1 reads as rewritten:







1 **"§ 143-53.1. Setting of benchmarks; increase by Secretary.**

2 (a) On and after July 1, 2014, the procedures prescribed by G.S. 143-52 with respect to  
3 competitive bids and the bid value benchmark authorized by G.S. 143-53(a)(2) with respect to  
4 rule making by the Secretary of Administration for competitive bidding shall promote  
5 compliance with the principles of procurement efficiency, transparency, and fair competition to  
6 obtain the State's business. For the President of The University of North Carolina or a special  
7 responsibility constituent institution of The University of North Carolina, the benchmark  
8 prescribed in this section is as provided in G.S. 116-31.10. For community colleges, the  
9 benchmark prescribed in this section is as provided in G.S. 115D-58.14.

10 ...."

11 **SECTION 3.** Section 26.4 of S.L. 2012-142 reads as rewritten:

12 **"REPAIRS AND RENOVATIONS RESERVE ALLOCATION**

13 ...

14 **"SECTION 26.4.(b)** Notwithstanding G.S. 143C-4-3(d), of the funds allocated to the  
15 Board of Governors of The University of North Carolina in subsection (a) of this section, a  
16 portion shall be used by the Board of Governors for the installation of fire sprinklers in  
17 university residence halls. This portion shall be in addition to funds otherwise appropriated in  
18 this act for the same purpose. Such funds shall be allocated among the university's constituent  
19 institutions by the President of The University of North Carolina, who shall consider the  
20 following factors when allocating those funds:

- 21 (1) The safety and well-being of the residents of campus housing programs.  
22 (2) The current level of housing rents charged to students and how that  
23 compares to an institution's public peers and other UNC institutions.  
24 (3) The level of previous authorizations to constituent institutions for the  
25 construction or renovation of residence halls funded from the General Fund,  
26 or from bonds or certificates of participation supported by the General Fund,  
27 since 1996.  
28 (4) The financial status of each constituent institution's housing system,  
29 including debt capacity, debt coverage ratios, credit rankings, required  
30 reserves, the planned use of cash balances for other housing system  
31 improvements, and the constituent institution's ability to pay for the  
32 installation of fire sprinklers in all residence halls.  
33 (5) The total cost of each proposed project, including the cost of installing fire  
34 sprinklers and the cost of other construction, such as asbestos removal and  
35 additional water supply needs.

36 The Board of Governors shall submit progress reports to the Joint Legislative Commission  
37 on Governmental Operations. Reports shall include the status of completed, current, and  
38 planned projects. Reports also shall include information on the financial status of each  
39 constituent institution's housing system, the constituent institution's ability to pay for fire  
40 protection in residence halls, and the timing of installation of fire sprinklers. Reports shall be  
41 submitted on January 1 ~~and July 1~~ of each year until all residence halls have fire sprinklers.

42 ...."

43 **SECTION 4.** Section 11.16 of S.L. 2015-241 reads as rewritten:

44 **"EARLY COLLEGE GRADUATES/UNC ADMISSION POLICY**

45 ...

46 **"SECTION 11.16.(b)** Beginning ~~March 1, 2017, September 30, 2017,~~ the Board of  
47 Governors shall report annually to the Joint Legislative Education Oversight Committee  
48 regarding the number of students who graduated from a cooperative innovative high school  
49 program with an associate degree and which option was chosen by those students when  
50 applying for admission to a constituent institution.

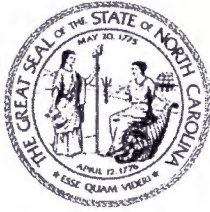
51 ...."



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





# HOUSE BILL 549: UNC Benchmark/Reporting Dates.

2017-2018 General Assembly

**Committee:** House Education - Universities  
**Introduced by:** Rep. Fraley  
**Analysis of:** First Edition

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

**OVERVIEW:** *House Bill 549 would (i) allow the Board of Governors of The University of North Carolina (BOG) to set the expenditure benchmark for certain purchasing contracts for the President of The University of North Carolina (President) to be the same as the maximum allowed for the constituent institutions; (ii) direct the BOG to submit annual reports on fire sprinklers in residence halls rather than bi-annually; and (iii) change a reporting date for data on graduates of cooperative innovative high schools.*

**SECTIONS 1 and 2 – CURRENT LAW:** The BOG has the authority to set the expenditure benchmark for special responsibility constituent institutions at an amount no greater than \$500,000 for certain purchasing contracts so they do not have to be purchased through the State Purchasing Office. The BOG has the authority to set the benchmark at different amounts for the different constituent institutions. In setting the benchmarks, the BOG must consider the institution's overall capacity including staff resources, purchasing compliance reviews, and audit reports. For those constituent institutions with expenditure benchmarks of greater than \$250,000, they must submit to the Division of Purchase and Contract for approval a copy of all offers received and the institution's recommendation of action. Notice of the Division's decision is sent back to the constituent institution with the institution proceeding with the action recommended by the Division.

**BILL ANALYSIS:** Sections 1 and 2 would allow the BOG to set the expenditure benchmark for the President at an amount no greater than \$500,000. The BOG would be able to change the benchmark from time to time and must consider the capacity of the President including staff resources, purchasing compliance reviews, and audit reports. If the President is given an expenditure benchmark of greater than \$250,000, then the President must follow the same requirements as those followed by the constituent institutions currently with that authority including submitting offers to the Division of Purchase and Contract.

**SECTION 3 – CURRENT LAW:** The 2012 Appropriations Act required the BOG to submit progress reports to the Joint Legislative Commission on Governmental Operations on the financial status of each constituent institution's housing system, the constituent institution's ability to pay for fire protection in residence halls, and the timing of the installation of fire sprinklers. Reports must be submitted on January and July 1 of each year until all residence halls have fire sprinklers.

**BILL ANALYSIS:** The bill would provide that the report only has to be submitted once a year on January 1 rather than twice per year.

**SECTION 4 – CURRENT LAW:** The 2015 Appropriations Act directed the BOG to report annually beginning March 1, 2017 to the Joint Legislative Education Oversight Committee on the numbers of students who graduated from a cooperative innovative high school program with an associate degree.

**BILL ANALYSIS:** The bill would change the annual reporting date of this report to September 30 beginning with September 30, 2017.

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

Aren Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

D

HOUSE BILL 527  
PROPOSED COMMITTEE SUBSTITUTE H527-CSBE-13 [v.2]

04/18/2017 07:37:42 PM

Short Title: Restore/Preserve Campus Free Speech.

(Public)

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED  
AN ACT TO RESTORE AND PRESERVE FREE SPEECH ON THE CAMPUSES OF THE  
CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Whereas, the Constitution of North Carolina recognizes in Article I, Section 14, that  
"Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall  
never be restrained, but every person shall be held responsible for their abuse"; and

Whereas, the constituent institutions of The University of North Carolina have  
historically embraced a commitment to freedom of expression in policy; and

Whereas, it is appropriate for The University of North Carolina System to restate  
and confirm their commitment to free expression; and

Whereas, in 1974, the Committee on Free Expression at Yale issued a statement  
known as the Woodward Report that stands as a classic defense of free expression on  
campuses; in 2015, the Committee on Freedom of Expression at the University of Chicago  
issued a similar and widely respected report; and in 1967, the Kalven Committee Report of the  
University of Chicago articulated the principle of institutional neutrality regarding political and  
social issues and the essential role of such neutrality in protecting freedom of thought and  
expression at universities. The principles affirmed by these three highly regarded reports are  
inspiring articulations of the critical importance of free expression in higher education; and

Whereas, the General Assembly views freedom of expression as being of critical  
importance and requires that each constituent institution ensure free, robust, and uninhibited  
debate and deliberation by students of constituent institutions; and

Whereas, the General Assembly has determined that it is a matter of statewide  
concern that all constituent institutions of The University of North Carolina officially recognize  
freedom of speech as a fundamental right; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 116 of the General Statutes is amended by adding a new  
Article to read:

"Article 36.

"Campus Free Speech.

"§ 116-300. Policies required.

The Board of Governors of The University of North Carolina shall develop and adopt a  
policy on free expression that states, at least, the following:

(1) The primary function of each constituent institution is the discovery,  
improvement, transmission, and dissemination of knowledge by means of  
research, teaching, discussion, and debate. To fulfill this function, the







- 1                    constituent institution must strive to ensure the fullest degree of intellectual  
2                    freedom and free expression.
- 3                    (2)        It is not the proper role of any constituent institution to shield individuals  
4                    from speech protected by the First Amendment, including, without  
5                    limitation, ideas and opinions they find unwelcome, disagreeable, or even  
6                    deeply offensive.
- 7                    (3)        Students and faculty have the freedom to discuss any problem that presents  
8                    itself, as the First Amendment permits and within the limits of narrowly  
9                    tailored viewpoint- and content-neutral restrictions on time, place, and  
10                   manner of expression that are consistent with this Article and that are  
11                   necessary to achieve a significant institutional interest, provided that these  
12                   restrictions are clear, published, and provide ample alternative means of  
13                   expression. Students and faculty shall be permitted to assemble and engage  
14                   in spontaneous expressive activity as long as such activity is lawful and does  
15                   not materially and substantially disrupt the functioning of the constituent  
16                   institution, subject to the requirements of this section.
- 17                   (4)        Any person lawfully present on campus may protest or demonstrate there. It  
18                   shall be made clear that protests and demonstrations that infringe upon the  
19                   rights of others to engage in or listen to expressive activity shall not be  
20                   permitted and shall be subject to sanction. This shall not prohibit  
21                   administrators, professors, or other instructors from maintaining order in the  
22                   classroom or in other campus buildings or locations.
- 23                   (5)        Consistent with First Amendment jurisprudence, including any reasonable  
24                   time, place, and manner restrictions adopted by a constituent institution,  
25                   campuses of the constituent institutions are open to any speaker whom  
26                   students, student groups, or members of the faculty have invited.
- 27                   (6)        Park areas, sidewalks, plazas, and similar spaces on the campuses of the  
28                   constituent institutions are traditional public forums, open on the same terms  
29                   to any speaker.
- 30                   (7)        The policy shall include a range of disciplinary sanctions for anyone under  
31                   the jurisdiction of a constituent institution who substantially disrupts the  
32                   functioning of the constituent institution or substantially interferes with the  
33                   protected free expression rights of others.
- 34                   (8)        In all student disciplinary cases involving expressive conduct, students are  
35                   entitled to a disciplinary hearing under published procedures, including, at a  
36                   minimum, (i) the right to receive advance written notice of the charges, (ii)  
37                   the right to review the evidence in support of the charges, (iii) the right to  
38                   confront witnesses against them, (iv) the right to present a defense, (v) the  
39                   right to call witnesses, (vi) a decision by an impartial arbiter or panel, (vii)  
40                   the right of appeal, and (viii) the right to active assistance of counsel,  
41                   consistent with G.S. 116-40.11.
- 42                   (9)        The constituent institutions (i) shall strive to remain neutral, as an institution,  
43                   on the public policy controversies of the day and (ii) may not take action, as  
44                   an institution, on the public policy controversies of the day in such a way as  
45                   to require students or faculty to publicly express a given view of social  
46                   policy.

47        **"§ 116-301. Committee on Free Expression.**

48            (a)        The Board of Governors of The University of North Carolina System shall establish  
49            the Committee on Free Expression and appoint 11 individuals from among its membership to  
50            the Committee. The members of the Committee on Free Expression shall elect a chair from the  
51            members of the Committee. Each member of the Committee on Free Expression shall serve on





the Committee at the pleasure of the Board of Governors. Each member's term shall be equal to the remainder of the member's respective term on the Board of Governors. In the event of a vacancy on the Committee, the Board of Governors shall appoint a replacement from among its membership.

(b) All employees of The University of North Carolina System and all State agencies shall cooperate with the Committee on Free Expression by providing information requested by the Committee.

(c) The Committee on Free Expression shall report to the public, the Board of Governors, the Governor, and the General Assembly by September 1 of every year. The report shall include all of the following:

- (1) A description of any barriers to or disruptions of free expression within the constituent institutions.
- (2) A description of the administrative handling and discipline relating to these disruptions or barriers.
- (3) A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality with regard to political or social issues.
- (4) Any assessments, criticisms, commendations, or recommendations the Committee sees fit to include.

The requirement of reporting to the public may be met by publishing the report on The University of North Carolina System's Web site.

**"§ 116-302. Freshman orientation.**

All constituent institutions of The University of North Carolina shall include in freshman orientation programs a section describing the policies regarding free expression consistent with this Article.

**"§ 116-303. Guidelines and additional policies authorized.**

The Board of Governors, and the constituent institutions of The University of North Carolina subject to approval of the Board of Governors, may adopt additional policies and guidelines to further the purposes of the policies adopted pursuant to this Article. Nothing in this Article shall be construed to prevent institutions from regulating student speech or activity that is prohibited by law. Except as further limited by this Article, constituent institutions shall be allowed to restrict student expression only for expressive activity not protected by the First Amendment, including all of the following:

- (1) Violations of State or federal law.
- (2) Expression that a court has deemed unprotected defamation.
- (3) Unlawful harassment.
- (4) True threats, which are defined as statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.
- (5) An unjustifiable invasion of privacy or confidentiality.
- (6) An action that substantially disrupts the function of the constituent institutions.
- (7) Reasonable time, place, and manner restrictions on expressive activities, consistent with G.S. 116-300(3).
- (8) Speech or actions that objectively provoke immediate violence ("fighting words").
- (9) Speech that interferes with the treatment of patients.

**"§ 116-304. Actions to enforce the provisions of this Article.**

(a) A constituent institution may restrict expressive conduct in the public areas of campus only if it demonstrates that the restriction satisfies all of the following criteria:

- (1) Is necessary to achieve a compelling governmental interest.



1           (2) Is the least restrictive means of furthering that compelling governmental  
2           interest.

3           (3) Leaves open ample other opportunities to engage in the expressive conduct.

4           (4) Provides for spontaneous assembly and distribution of literature.

5       (b) The Attorney General or any person whose expressive rights are violated under this  
6 section may bring an action in a court of competent jurisdiction against the constituent  
7 institution to enjoin any violation of this section and to recover reasonable court costs and  
8 reasonable attorneys' fees.

9       (c) In an action brought under subsection (b) of this section, if the court finds that a  
10 violation of this section occurred, the court shall award the aggrieved person injunctive relief  
11 for the violation and shall award reasonable court costs and reasonable attorneys' fees. The  
12 court shall also award damages of one thousand dollars (\$1,000) or actual damages, whichever  
13 is higher.

14       (d) A person shall bring an action for a violation of this section within one year after the  
15 date the cause of action accrues. For the purpose of calculating the one-year limitation period,  
16 each day that the violation persists or each day that a policy in violation of this section remains  
17 in effect constitutes a new violation of this section and shall be considered a day that the cause  
18 of action has accrued.

19       (e) Nothing in this section shall be construed to make any chancellor, officer,  
20 employee, or member of a Board of Trustees of a constituent institution or the President,  
21 officer, employee, or member of the Board of Governors of The University of North Carolina  
22 personally liable for acts taken pursuant to their official duties.

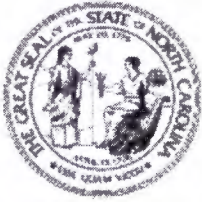
23       (f) Nothing in this section shall be construed to impose liability on The University of  
24 North Carolina or a constituent institution for relocating or restricting expressive activity  
25 permitted by this act following a reasonable determination that there exists an articulable and  
26 significant threat to the health and safety of a student or other individuals, or that the continuity  
27 or functioning of campus operations cannot be reasonably remedied except by relocating or  
28 restricting expressive activity."

29       **SECTION 2.** The Board of Governors shall develop a policy that requires the  
30 diversity office or department of each constituent institution, if such office or department  
31 exists, to include among the duties of the diversity office or department compliance with this  
32 act. This policy shall include a renaming of the constituent diversity office or department to  
33 include the phrase "Free Speech Compliance" and shall require that diversity and free speech  
34 compliance officers receive training on ensuring compliance with this act. Such training shall  
35 be developed and provided by the University of North Carolina School of Government.

36       **SECTION 3.** This act becomes effective June 30, 2017. The initial annual report of  
37 the Committee on Free Expression is due by September 1, 2018.







## HOUSE BILL 527: Restore/Preserve Campus Free Speech.

2017-2018 General Assembly

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<b>Committee:</b>	House Education - Universities. If favorable, re-refer to Judiciary I	<b>Date:</b>	April 19, 2017
<b>Introduced by:</b>	Reps. Millis, Jordan	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H527-CSBE-13		Committee Co-Counsel

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**OVERVIEW:** *House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression. The bill would create a private right of action to enforce the provisions of the act. The PCS would make various clarifying changes to comply with First Amendment jurisprudence, as well as add a limitation on liability when speech is restricted in response to threats to (1) the health and safety of students or (2) the continued functioning of the campus.*

**CURRENT LAW:** Currently, no statutes address free speech at the constituent institutions of The University of North Carolina. The Board of Governors has adopted a broad policy that "supports and encourages freedom of inquiry for faculty members and students"; protects faculty and students "in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth"; and charges faculty and students with the responsibility of maintaining a respectful community in which academic freedom flourishes. UNC Code Sec. 600. Within that framework, constituent institutions may create their own policies that comply with the First Amendment.

**BILL ANALYSIS:** House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression. The bill would create a private right of action to enforce the provisions of the act.

### SECTION 1

116-300. Policies required:

- Requires the Board of Governors of The University of North Carolina to develop and adopt a policy on free expression that includes specific components.

116-301. Committee on Free Expression:

- Directs the Board of Governors to create a Committee on Free Expression consisting of 11 individuals from among its membership.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578



# House PCS 527

Page 2

- The committee will be charged with annual reporting on the status of free expression at the constituent institutions.

## 116-302. Freshman orientation:

- Policies on free expression must be included in freshman orientation at constituent institutions.

## 116-303. Guidelines and additional policies authorized:

- Authorizes the Board of Governors and constituent institutions to adopt additional policies related to free expression.
- Allows constituent institutions to only restrict student expression that is not protected by the First Amendment.

## 116-304. Actions to enforce the provisions of this Article:

- Creates a private right of action against a constituent institution that restricts expressive conduct in the public areas of campus without demonstrating that the restriction:
  - Is necessary to achieve a compelling governmental interest.
  - Is the least restrictive means of furthering that compelling governmental interest.
  - Leaves open ample other opportunities to engage in the expressive conduct.
  - Provides for spontaneous assembly and distribution of literature.
- Authorizes a court to award injunctive relief, reasonable court costs, reasonable attorney' fees, and damages of \$1,000 or actual damages, whichever is higher.
- Creates a one-year statute of limitations for violations of this section.
- Exempts from personal liability chancellors, officers, or other employees of a constituent institution acting pursuant to official duties. The PCS would also exempt members of the boards of trustees of constituent institutions, as well as the President, officers, employees, and members of the Board of Governors of The University of North Carolina.
- The PCS would not impose liability on a constituent institution if the restriction of expressive activity occurred due to a threat to: (1) the health and safety of students or other individuals; or (2) the continued functioning of campus operations.

## SECTION 2

- Requires constituent institutions that have a diversity office or department to also include among its duties compliance with the provisions of House Bill 527, as well as rename the office or department to include the phrase "Free Speech Compliance" in its title.
- Requires compliance officers to receive training that is to be developed and provided by The University of North Carolina School of Government.



## House PCS 527

*Page 3*

**EFFECTIVE DATE:** House Bill 527 would be effective June 30, 2017. The initial annual report of the Committee on Free Expression would be due by September 1, 2018.





## ROLL CALL VOTE

$$\frac{6}{\text{YES}} + \frac{6}{\text{NO}} = \underline{12} \text{ (TOTAL)}$$

HB# 527  
SB#       

**HOUSE STANDING COMMITTEE ON Education - Universities**

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
✓		JORDAN			
✓		FRALEY			
✓		J. BELL			
✓		BRODY			
	✓	CARNEY			
✓		DAVIS			
✓		ELMORE			
	✓	HANES			
		<del>HASTINGS</del>			
	✓	INSKO			
		<del>LAMBETH</del>			
	✓	MICHAUX			
	✓	MOORE			
		<del>MURPHY</del>			
	✓	TURNER			

6      6



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - UNIVERSITIES COMMITTEE REPORT**

**Representative John A. Fraley, Co-Chair  
Representative Jonathan C. Jordan, Co-Chair**

**FAVORABLE**

**HB 549**

UNC Benchmark/Reporting Dates.

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

TOTAL REPORTED: 1



★ C M R 2 4 0 - V - 2 ★



Committee Sergeants at Arms

NAME OF COMMITTEE House Comm. on Ed. Universities

DATE: 04/19/17 Room: 643

House Sgt-At Arms:

1. Name: Young Bae

2. Name: Jim Moran

3. Name: Rex Foster

4. Name: Malachi McCullough

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

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_

2. Name: \_\_\_\_\_

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

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

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





VISITOR REGISTRATION SHEET

HOUSE Comm. on EDUCATION. UNIVERSITIES  
(Committee Name)

4-19-2017  
Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE  
CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Sarah Gillooly	ACLU HB 527
Anna Beavin Gravelly	AFP/GO HB 527
Tom Shennahan	UNC HB 527

#



## VISITOR REGISTRATION SHEET

House Comm. on Ed. Universities

04/19/17

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Anna Beavon Gravely	AFP / go
Bryan D. Holloway	Holloway Group Inc.
Josue Jimenez	Campbell Law
Murray L. ...	Campbell Law
Tom West	MLCH
Gene Royall	NCFPC
Jonathan Kappler	UNCGA
Sarah Stone	NCSU
Michelle Brook	ECU
Andrew Cagle	UNC Greensboro



## VISITOR REGISTRATION SHEET

House Comm. on Ed. Universities

04/19/17

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Penny Griffin	SOG
Ken Howell	UNC System
Tom Sharahan	UNC System
Sarah Gillbody	ACLU
Susanne Birdsong	ACLU
Paisa Johnson	Planned Parenthood South Atlantic
Lindsay Robinson	PPSAT
Shirley Dunn	League of Women Voters
LAURA PURYEAR	MWC
Reyna Walters Morgan	Civil Liberties
Matthew Dockler	Appalachian State





## VISITOR REGISTRATION SHEET

House Comm. on Ed. Universities

04/19/17

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Robb Jansen

NC SBE

D. Collins

SEHAK



**NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES**

**EDUCATION - UNIVERSITIES COMMITTEE REPORT**

**Representative John A. Fraley, Co-Chair  
Representative Jonathan C. Jordan, Co-Chair**

**FAVORABLE**

**HB 549**

UNC Benchmark/Reporting Dates.

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

TOTAL REPORTED: 1



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**House Committee on Education - Universities  
Monday, April 24, 2017, 15 Minutes after Session  
Room 1228/1327 of the Legislative Building**

**Sergeant of Arms**

- 1. David Leighton**
- 2. Russell Salisbury**
- 3. David Linthicum**







**House Committee on Education - Universities  
Monday, April 24, 2017, 15 Minutes after Session  
Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - Universities met 15 minutes after session on Monday, April 24, 2017 in Room 1228/1327 of the Legislative Building. Representatives Jordan, Fraley, Bell, Brody, Carney, Davis, Elmore, Insko, Lambeth, Michaux, Murphy and B. Turner, attended. Drupti Chauhan, Kara McCraw, Brian Gwyn, Dee Atkinson (Research Staff Counsel), along with Emma Benson (Committee Clerk) were in attendance. A Visitor Registration list is attached and made part of these minutes. (Attachment 1)

Representative Fraley, Chair, presided. The chair called the meeting to order at 7:54 PM. He introduced the Sergeants at Arms. (Attachment 2) The following bill was considered:

*House Bill 527, pcs, and a bill summary are provided (Attachment 3 and Attachment 4)*

**HOUSE BILL 527: RESTORE/PRESERVE CAMPUS FREE SPEECH**

Chairman Fraley recognized Reps. Millis and Jordan to speak on the bill.

House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression. The bill would create a cause of action to enforce the provisions of the act. The PCS would remove the cause of action, remove the requirement that constituent institutions strive for neutrality, make various clarifying changes to comply with First Amendment jurisprudence, and add a limitation on liability when speech is restricted in response to threats to (1) the health and safety of students or (2) the continued functioning of the campus.

Chairman Fraley recognized Rep. Jordan to present an amendment to the bill. (Attachment 5)

Chairman Fraley recognized Rep. Bell to make a motion to adopt the amendment. The motion carried.

Chairman Fraley recognized Tom Shanahan, General Council of the UNC General Administration, to speak in favor of the bill.

Chairman Fraley recognized Reps. Michaux, Davis, Brody, and Turner to provide discussion on the bill.





Chairman Fraley recognized Rep. Elmore to make a motion unfavorable to the original bill, favorable to the PCS. The motion carried.

There being no further business, Chairman Fraley adjourned the meeting at 8:08 PM.

A handwritten signature in cursive script, appearing to read "Jim A. Fraley".

Representative Fraley, Chair  
Presiding

A handwritten signature in cursive script, appearing to read "Emma Benson".

Emma Benson, Committee Clerk

#### Attachments

1. Visitor Registration Sheet
2. Committee Sergeants at Arms
3. House Bill 527
4. House Bill 527 PCS
5. House Bill 527 Summary
6. House Bill 527 Amendment



# VISITOR REGISTRATION SHEET

Attachment 1

Education - Universities

04-24-2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Steven Walker	Lt. Gov.
Kevin King	Rep. Jordan
Anna Beavm Graney	AFP/90
Tom Shanahan	UNC
Chris Droughton	MWC
Betty Dorte	UNC Charlotte
David Power	UNC BDO
Drew Moretz	UNC GA
Ken Hansen	UNC GA



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education

DATE: 4/24/2017 Room: 643

House Sgt-At Arms:

1. Name: David Leighton
2. Name: Russell Salisbury
3. Name: David Linthicum
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

HOUSE BILL 527\*

Attachment 3

Short Title: Restore/Preserve Campus Free Speech.

(Public)

Sponsors: Representatives Millis and Jordan (Primary Sponsors).

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

Referred to: Education - Universities, if favorable, Judiciary I

March 30, 2017

A BILL TO BE ENTITLED  
AN ACT TO RESTORE AND PRESERVE FREE SPEECH ON THE CAMPUSES OF THE  
CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Whereas, the Constitution of North Carolina recognizes in Article I, Section 14, that "Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse"; and

Whereas, the constituent institutions of The University of North Carolina have historically embraced a commitment to freedom of expression in policy; and

Whereas, it is appropriate for The University of North Carolina System to restate and confirm their commitment to free expression; and

Whereas, in 1974, the Committee on Free Expression at Yale issued a statement known as the Woodward Report that stands as a classic defense of free expression on campuses; in 2015, the Committee on Freedom of Expression at the University of Chicago issued a similar and widely respected report; and in 1967, the Kalven Committee Report of the University of Chicago articulated the principle of institutional neutrality regarding political and social issues and the essential role of such neutrality in protecting freedom of thought and expression at universities. The principles affirmed by these three highly regarded reports are inspiring articulations of the critical importance of free expression in higher education; and

Whereas, the General Assembly views freedom of expression as being of critical importance and requires that each constituent institution ensure free, robust, and uninhibited debate and deliberation by students of constituent institutions whether on or off campus; and

Whereas, the General Assembly has determined that it is a matter of statewide concern that all constituent institutions of The University of North Carolina officially recognize freedom of speech as a fundamental right; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 36.

"Campus Free Speech.

**"§ 116-300. Policies required.**

The Board of Governors of The University of North Carolina shall develop and adopt a policy on free expression that states, at least, the following:

(1) The primary function of each constituent institution is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the



\* H 5 2 7 - V - 1 \*

- 1 constituent institution must strive to ensure the fullest degree of intellectual  
2 freedom and free expression.
- 3 (2) It is not the proper role of any constituent institution to shield individuals  
4 from speech protected by the First Amendment, including, without  
5 limitation, ideas and opinions they find unwelcome, disagreeable, or even  
6 deeply offensive.
- 7 (3) Students and faculty have the freedom to discuss any problem that presents  
8 itself, as the First Amendment permits and within the limits of narrowly  
9 tailored viewpoint- and content-neutral restrictions on time, place, and  
10 manner of expression that are consistent with this Article and that are  
11 necessary to achieve a significant institutional interest, provided that these  
12 restrictions are clear, published, and provide ample alternative means of  
13 expression. Students and faculty shall be permitted to assemble and engage  
14 in spontaneous expressive activity as long as such activity is lawful and does  
15 not materially and substantially disrupt the functioning of the constituent  
16 institution, subject to the requirements of this section.
- 17 (4) Any person lawfully present on campus may protest or demonstrate there. It  
18 shall be made clear that protests and demonstrations that infringe upon the  
19 rights of others to engage in or listen to expressive activity shall not be  
20 permitted and shall be subject to sanction. This shall not prohibit professors  
21 or other instructors from maintaining order in the classroom.
- 22 (5) The campuses of the constituent institutions are open to any speaker whom  
23 students, student groups, or members of the faculty have invited.
- 24 (6) The public areas of campuses of the constituent institutions are traditional  
25 public forums, open on the same terms to any speaker.
- 26 (7) The policy shall include a range of disciplinary sanctions for anyone under  
27 the jurisdiction of a constituent institution who interferes with the free  
28 expression of others.
- 29 (8) In all disciplinary cases involving expressive conduct, students are entitled  
30 to a disciplinary hearing under published procedures, including, at a  
31 minimum, (i) the right to receive advance written notice of the charges, (ii)  
32 the right to review the evidence in support of the charges, (iii) the right to  
33 confront witnesses against them, (iv) the right to present a defense, (v) the  
34 right to call witnesses, (vi) a decision by an impartial arbiter or panel, (vii)  
35 the right of appeal, and (viii) the right to active assistance of counsel.
- 36 (9) The constituent institutions (i) shall strive to remain neutral, as an institution,  
37 on the public policy controversies of the day and (ii) may not take action, as  
38 an institution, on the public policy controversies of the day in such a way as  
39 to require students or faculty to publicly express a given view of social  
40 policy.

41 **"§ 116-301. Committee on Free Expression.**

42 (a) The Board of Governors of The University of North Carolina System shall establish  
43 the Committee on Free Expression and appoint 11 individuals from among its membership to  
44 the Committee. The members of the Committee on Free Expression shall elect a chair from the  
45 members of the Committee. Each member of the Committee on Free Expression shall serve on  
46 the Committee at the pleasure of the Board of Governors. Each member's term shall be equal to  
47 the remainder of the member's respective term on the Board of Governors. In the event of a  
48 vacancy on the Committee, the Board of Governors shall appoint a replacement from among its  
49 membership.



(b) All employees of The University of North Carolina System and all State agencies shall cooperate with the Committee on Free Expression by providing information requested by the Committee.

(c) The Committee on Free Expression shall report to the public, the Board of Governors, the Governor, and the General Assembly by September 1 of every year. The report shall include all of the following:

- (1) A description of any barriers to or disruptions of free expression within the constituent institutions.
- (2) A description of the administrative handling and discipline relating to these disruptions or barriers.
- (3) A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality with regard to political or social issues.
- (4) Any assessments, criticisms, commendations, or recommendations the Committee sees fit to include.

**"§ 116-302. Freshman orientation.**

All constituent institutions of The University of North Carolina shall include in freshman orientation programs a section describing the policies regarding free expression consistent with this Article.

**"§ 116-303. Guidelines and additional policies authorized.**

The Board of Governors, and the constituent institutions of The University of North Carolina subject to approval of the Board of Governors, may adopt additional policies and guidelines to further the purposes of the policies adopted pursuant to this Article. Nothing in this Article shall be construed to prevent institutions from regulating student speech or activity that is prohibited by law. Except as further limited by this Article, constituent institutions shall be allowed to restrict student expression only for expressive activity not protected by the First Amendment, including all of the following:

- (1) Violations of State or federal law.
- (2) Expression that a court has deemed unprotected defamation.
- (3) Harassment.
  - a. "Peer-on-peer harassment," which is defined as conduct directed by a student toward another individual student that is so severe, pervasive, and objectively offensive that it effectively deprives the victim of access to the educational opportunities or benefits provided by the university.
  - b. "Quid pro quo sexual harassment," which is defined as explicitly or implicitly conditioning a student's participation in an education program or activity or basing an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.
- (4) True threats, which are defined as statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.
- (5) An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
- (6) An action that unlawfully disrupts the function of the university.
- (7) Narrowly tailored time, place, and manner restrictions on expressive activities consistent with G.S. 116-300(3).

**"§ 116-304. Actions to enforce the provisions of this Article.**

1       (a)    A constituent institution may restrict expressive conduct in the public areas of  
2 campus only if it demonstrates that the restriction satisfies all of the following criteria:

3           (1)    Is necessary to achieve a compelling governmental interest.

4           (2)    Is the least restrictive means of furthering that compelling governmental  
5 interest.

6           (3)    Leaves open ample other opportunities to engage in the expressive conduct.

7           (4)    Provides for spontaneous assembly and distribution of literature.

8       (b)    The Attorney General or any person whose expressive rights are violated under this  
9 section may bring an action in a court of competent jurisdiction against the constituent  
10 institution to enjoin any violation of this section and to recover reasonable court costs and  
11 reasonable attorneys' fees.

12       (c)    In an action brought under subsection (b) of this section, if the court finds that a  
13 violation of this section occurred, the court shall award the aggrieved person injunctive relief  
14 for the violation and shall award reasonable court costs and reasonable attorneys' fees. The  
15 court shall also award damages of one thousand dollars (\$1,000) or actual damages, whichever  
16 is higher.

17       (d)    A person shall bring an action for a violation of this section within one year after the  
18 date the cause of action accrues. For the purpose of calculating the one-year limitation period,  
19 each day that the violation persists or each day that a policy in violation of this section remains  
20 in effect constitutes a new violation of this section and shall be considered a day that the cause  
21 of action has accrued.

22       (e)    Nothing in this section shall be construed to make any chancellor, other official, or  
23 other employee of a constituent institution personally liable for acts taken pursuant to their  
24 official duties."

25       **SECTION 2.** The Board of Governors shall develop a policy that requires the  
26 diversity office or department of each constituent institution, if such office or department  
27 exists, to include among the duties of the diversity office or department compliance with this  
28 act. This policy shall include a renaming of the constituent diversity office or department to  
29 include the phrase "Free Speech Compliance" and shall require that diversity and free speech  
30 compliance officers receive training on ensuring compliance with this act. Such training shall  
31 be developed and provided by the University of North Carolina School of Government.

32       **SECTION 3.** This act becomes effective June 30, 2017. The initial annual report of  
33 the Committee on Free Expression is due by September 1, 2018.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 527  
PROPOSED COMMITTEE SUBSTITUTE H527-CSBE-17 [v.3]

04/23/2017 02:38:33 PM

Short Title: Restore/Preserve Campus Free Speech.

(Publi

Sponsors:

Referred to:

March 30, 2017

Attachment 4

A BILL TO BE ENTITLED  
AN ACT TO RESTORE AND PRESERVE FREE SPEECH ON THE CAMPUSES OF THE  
CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Whereas, the Constitution of North Carolina recognizes in Article I, Section 14, that "Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse"; and

Whereas, the constituent institutions of The University of North Carolina have historically embraced a commitment to freedom of expression in policy; and

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Whereas, the General Assembly views freedom of expression as being of critical importance and requires that each constituent institution ensure free, robust, and uninhibited debate and deliberation by students of constituent institutions; and

Whereas, the General Assembly has determined that it is a matter of statewide concern that all constituent institutions of The University of North Carolina officially recognize freedom of speech as a fundamental right; Now, therefore,  
The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 116 of the General Statutes is amended by adding a new Article to read:

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- 1 constituent institution must strive to ensure the fullest degree of intellectual  
2 freedom and free expression.
- 3 (2) It is not the proper role of any constituent institution to shield individuals  
4 from speech protected by the First Amendment, including, without  
5 limitation, ideas and opinions they find unwelcome, disagreeable, or even  
6 deeply offensive.
- 7 (3) The constituent institution may not take action, as an institution, on the  
8 public policy controversies of the day in such a way as to require students,  
9 faculty, or administrators to publicly express a given view of social policy.
- 10 (4) Students and faculty have the freedom to discuss any problem that presents  
11 itself, as the First Amendment permits and within the limits of narrowly  
12 tailored viewpoint- and content-neutral restrictions on time, place, and  
13 manner of expression that are consistent with this Article and that are  
14 necessary to achieve a significant institutional interest, provided that these  
15 restrictions are clear, published, and provide ample alternative means of  
16 expression. Students and faculty shall be permitted to assemble and engage  
17 in spontaneous expressive activity as long as such activity is lawful and does  
18 not materially and substantially disrupt the functioning of the constituent  
19 institution, subject to the requirements of this section.
- 20 (5) Park areas, sidewalks, plazas, and similar spaces on the campuses of the  
21 constituent institutions are traditional public forums, open on the same terms  
22 to any speaker. Other areas of the campuses of the constituent institutions  
23 are nonpublic forums consistent with First Amendment jurisprudence.
- 24 (6) Consistent with First Amendment jurisprudence, including any reasonable  
25 time, place, and manner restrictions adopted by a constituent institution,  
26 campuses of the constituent institutions are open to any speaker whom  
27 students, student groups, or members of the faculty have invited.
- 28 (7) The constituent institution shall implement a range of disciplinary sanctions  
29 for anyone under the jurisdiction of a constituent institution who  
30 substantially disrupts the functioning of the constituent institution or  
31 substantially interferes with the protected free expression rights of others,  
32 including protests and demonstrations that infringe upon the rights of others  
33 to engage in and listen to expressive activity when the expressive activity  
34 has been scheduled pursuant to this policy or is located in a nonpublic  
35 forum.
- 36 (8) In all student disciplinary cases involving expressive speech or conduct,  
37 students are entitled to a disciplinary hearing under published procedures,  
38 including, at a minimum, (i) the right to receive advance written notice of  
39 the charges, (ii) the right to review the evidence in support of the charges,  
40 (iii) the right to confront witnesses against them, (iv) the right to present a  
41 defense, (v) the right to call witnesses, (vi) a decision by an impartial arbiter  
42 or panel, (vii) the right of appeal, and (viii) the right to active assistance of  
43 counsel, consistent with G.S. 116-40.11.

44 **"§ 116-301. Committee on Free Expression.**

45 (a) The Board of Governors of The University of North Carolina System shall establish  
46 the Committee on Free Expression and appoint 11 individuals from among its membership to  
47 the Committee. The members of the Committee on Free Expression shall elect a chair from the  
48 members of the Committee. Each member of the Committee on Free Expression shall serve on  
49 the Committee at the pleasure of the Board of Governors. Each member's term shall be equal to  
50 the remainder of the member's respective term on the Board of Governors. In the event of a



vacancy on the Committee, the Board of Governors shall appoint a replacement from among its membership.

(b) All employees of The University of North Carolina System and all State agencies shall cooperate with the Committee on Free Expression by providing information requested by the Committee.

(c) The Committee on Free Expression shall report to the public, the Board of Governors, the Governor, and the General Assembly by September 1 of every year. The report shall include all of the following:

- (1) A description of any barriers to or disruptions of free expression within the constituent institutions.
- (2) A description of the administrative handling and discipline relating to these disruptions or barriers.
- (3) A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality with regard to political or social issues.
- (4) Any assessments, criticisms, commendations, or recommendations the Committee sees fit to include.

The requirement of reporting to the public may be met by publishing the report on The University of North Carolina System's Web site.

**"§ 116-302. Freshman orientation.**

All constituent institutions of The University of North Carolina shall include in freshman orientation programs a section describing the policies regarding free expression consistent with this Article.

**"§ 116-303. Guidelines and additional policies authorized.**

The Board of Governors, and the constituent institutions of The University of North Carolina subject to approval of the Board of Governors, may adopt additional policies and guidelines to further the purposes of the policies adopted pursuant to this Article. Nothing in this Article shall be construed to prevent institutions from regulating student speech or activity that is prohibited by law. Except as further limited by this Article, constituent institutions shall be allowed to restrict student expression only for expressive activity not protected by the First Amendment, including all of the following:

- (1) Violations of State or federal law.
- (2) Expression that a court has deemed unprotected defamation.
- (3) Unlawful harassment.
- (4) True threats, which are defined as statements meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals.
- (5) An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
- (6) An action that substantially disrupts the function of the constituent institutions.
- (7) Reasonable time, place, and manner restrictions on expressive activities, consistent with G.S. 116-300(3).
- (8) Speech that interferes with the treatment of patients.

**"§ 116-304. Limitations on liability.**

(a) Nothing in this Article shall be construed to make any chancellor, officer, employee, or member of a Board of Trustees of a constituent institution or the President, officer, employee, or member of the Board of Governors of The University of North Carolina personally liable for acts taken pursuant to their official duties.

(b) Nothing in this Article shall be construed to impose liability on The University of North Carolina or a constituent institution for relocating or restricting expressive activity

1 permitted by this act following a reasonable determination that there exists an articulable and  
2 significant threat to the health and safety of a student or other individuals, or that the continuity  
3 or functioning of campus operations cannot be reasonably remedied except by relocating or  
4 restricting expressive activity."

5       **SECTION 2.** The Board of Governors shall develop a policy that requires each  
6 constituent institution to designate an office or department that includes free speech compliance  
7 officers. Free speech compliance officers shall receive training on ensuring compliance with  
8 this act. Such training shall be developed and provided by The University of North Carolina  
9 School of Government. If a diversity office or department exists at a constituent institution, the  
10 policy shall include among the duties of the diversity office or department compliance with this  
11 act. This policy shall include a renaming of the constituent diversity office or department to  
12 include the phrase "Free Speech Compliance."

13       **SECTION 3.** This act becomes effective June 30, 2017. The initial annual report of  
14 the Committee on Free Expression is due by September 1, 2018.





## HOUSE BILL 527: Restore/Preserve Campus Free Speech.

Attachment 5

2017-2018 General Assembly

<b>Committee:</b>	House Education - Universities. If favorable, re-refer to Judiciary I	<b>Date:</b>	April 24, 2017
<b>Introduced by:</b>	Reps. Millis, Jordan	<b>Prepared by:</b>	Brian Gwyn
<b>Analysis of:</b>	PCS to First Edition H527-CSBE-17		Committee Co-Coi

**OVERVIEW:** House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression. The bill would create a cause of action to enforce the provisions of the act. The PCS would:

- Remove the cause of action
- Remove the requirement that constituent institutions strive for neutrality
- Make various clarifying changes to comply with First Amendment jurisprudence
- Add a limitation on liability when speech is restricted in response to threats to (1) the health and safety of students or (2) the continued functioning of the campus

**CURRENT LAW:** Currently, no statutes address free speech at the constituent institutions of The University of North Carolina. The Board of Governors has adopted a broad policy that "supports and encourages freedom of inquiry for faculty members and students"; protects faculty and students "in their responsible exercise of the freedom to teach, to learn, and otherwise to seek and speak the truth"; and charges faculty and students with the responsibility of maintaining a respectful community in which academic freedom flourishes. UNC Code Sec. 600. Within that framework, constituent institutions may create their own policies that comply with the First Amendment.

**BILL ANALYSIS:** The PCS to House Bill 527 would require the Board of Governors of The University of North Carolina to develop, adopt, and implement various policies related to free expression.

### SECTION 1

116-300. Policies required:

- Requires the Board of Governors of The University of North Carolina to develop and adopt a policy on free expression that includes specific components.

116-301. Committee on Free Expression:

- Directs the Board of Governors to create a Committee on Free Expression consisting of 11 individuals from among its membership.
- The committee will be charged with annual reporting on the status of free expression at the constituent institutions.

116-302. Freshman orientation:

- Policies on free expression must be included in freshman orientation at constituent institutions.

116-303. Guidelines and additional policies authorized:

Karen Cochran-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 527

Page 2

- Authorizes the Board of Governors and constituent institutions to adopt additional policies related to free expression.
- Allows constituent institutions to only restrict student expression that is not protected by the First Amendment.

## 116-304. Limitations on liability:

- Exempts from personal liability chancellors, officers, employees, and boards of trustees of constituent institutions, as well as the President, officers, employees, and members of the Board of Governors of The University of North Carolina when acting pursuant to official duties.
- Exempts institutions from liability if the restriction of expressive activity occurred due to a threat to: (1) the health and safety of students or other individuals; or (2) the continued functioning of campus operations.

## SECTION 2

- Requires designated compliance officers at each constituent institution to receive training that is to be developed and provided by The University of North Carolina School of Government.
- Requires constituent institutions that have a diversity office or department to also include among its duties compliance with the provisions of House Bill 527, as well as rename the office or department to include the phrase "Free Speech Compliance" in its title.

**EFFECTIVE DATE:** House Bill 527 would be effective June 30, 2017. The initial annual report of the Committee on Free Expression would be due by September 1, 2018.



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 527\***

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

H527-ABE-30 [v.2]

Page 1 of 1

Amends Title [NO]  
H527-CSBE-17 [v.3]

Date \_\_\_\_\_, 2017

Representative Jordan

1 moves to amend the bill on page 4, lines 5-12 by rewriting the lines to read:  
2

3       **"SECTION 2.** The Board of Governors shall develop a policy that requires each  
4 constituent institution to identify the officer, office, or department with responsibilities for  
5 ensuring compliance with this act and for answering any related questions or concerns. This  
6 policy shall require that any officer with these responsibilities receive training on ensuring  
7 compliance with this act. Such training shall be developed and provided by the University of  
8 North Carolina School of Government."

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

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



\* H 5 2 7 - A B E - 3 0 - V - 2 \*









**House Committee on Education - Universities  
Thursday, June 15, 2017 at 10:00 AM  
Room 423 of the Legislative Office Building**

**Sergeant at Arms**

- 1. Jonas Cherry**
- 2. Rey Cooke**
- 3. David Linthicum**
- 4. Dean Marshbourne**





**House Committee on Education - Universities  
Thursday, June 15, 2017 at 10:00 AM  
Room 423 of the Legislative Office Building**

**MINUTES**

The House Committee on Education - Universities met at 10:00 AM on Thursday June 15, 2017 in Room 423 of the Legislative Office Building. Representatives Jordan, Fraley, Brody, Carney, Elmore, Insko, Michaux, Moore Murphy and B. Turner attended. Drupti Chauhan, Kara McCraw, Dee Atkinson (Research Staff Counsel), along with Emma Benson and Carol Wakely (Committee Clerks) were in attendance. A Visitor Registration list is attached and made part of these minutes. (Attachment 1)

Representative Jordan, Chair, presided. The chair called the meeting to order at 10:05 AM. He introduced the Sergeants at Arms (Attachment 2) and the House Pages (Attachment 3). The following bill was considered:

*Senate Bill 315, Proposed Committee Substitute (PCS), and a bill summary are provided (Attachments 4, 5, and 6).*

**SENATE BILL 315: IMPLEMENT UNC UNDERGRAD COMPLETION PLAN**

Chairman Jordan recognized Rep. Fraley to make a motion to have the PCS before the committee. The motion carried.

Chairman Jordan recognized Sen. Barefoot and Rep. Fraley to explain the bill.

Senate Bill 315 directs the President of the University of North Carolina to implement the University of North Carolina Undergraduate Degree Completion Improvement Plan. The PCS would also require development of an articulation agreement between The University of North Carolina and the Community College System in early childhood education programs, Direct the President of The University of North Carolina, or the President's designee, and the Board of Governors of The University of North Carolina to consider and evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by The University of North Carolina System, allow the Board of Governors of The University of North Carolina to set the expenditure benchmark for certain purchasing contracts for the President of The University of North Carolina to be the same as the maximum allowed for the constituent institutions, and change a reporting date for data

Chairman Jordan recognized Reps. Michaux and Insko to discuss the bill.





Chairman Jordan recognized Rep. Fraley to make a motion unfavorable to the original bill, favorable to the PCS. The motion carried.

There being no further business, Chairman Jordan adjourned the meeting at 10:19 AM.

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Representative Jordan, Chair  
Presiding

---

Emma Benson, Committee Clerk

#### Attachments

1. Visitor Registration Sheet
2. Committee Sergeants at Arms
3. House Pages
4. Senate Bill 315
5. Senate Bill 315 PCS
6. Senate Bill 315 Summary





## VISITOR REGISTRATION SHEET

House Universities

06-15-2017

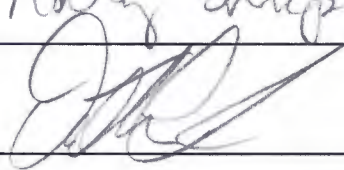
Name of Committee

Date

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

NAME

FIRM OR AGENCY AND ADDRESS

Robert Sparks	Daily Bulletin
Jimmine Williams	NC CCS
Mary Shuping	NC CCS
	NCEL
Flint Benson	SEANC
Jillian Tolman	MWCLC
Matt Ellinwood	NC Justice Center
Adam Prudence	NCAH
Garrett David	Rep. Jordan



## VISITOR REGISTRATION SHEET

House Universities

06-15-2017

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Katie Gammon	Governor
Doc Muretz	UNC GA
Sarah Ginn	NCSU
Matthew Docklan	Appalachian State
Jonathan Kappeler	UNC GA
Andrew Cagle	UNCG
Jenna Robinson	Martin Center
Juan Harrison	NCOTSEA
DAVID POWERS	UNL 1306
Bruce Milderwort	NCSBA



Committee Sergeants at Arms

NAME OF COMMITTEE House Committee on Education- Universities

DATE: June 15, 2017 Room: 423/424

House Sgt-At Arms:

1. Name: Jonas Cherry
2. Name: Rey Cooke
3. Name: David Linthicum
4. Name: Dean Marshbourne
5. Name:

Senate Sgt-At Arms:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:





**House Pages  
Assignments  
Thursday, June 15, 2017  
Session: 11:00 AM**

Committee	Room	Time	Staff	Comments	Member
Finance	544	9:00 AM	James Rodriguez		Rep. Pat McElraft
			Julia Schwanz		Rep. John Bradford
			Jarrod Turner		Rep. Speaker Tim Moore
			Daniel Vexler		Rep. Holly Grange
Pensions & Retirement and Aging	415	9:00 AM	Ryan Awtrey		Rep. Speaker Tim Moore
			Janae Bell		Rep. Duane Hall
			Ashton Murphy		Rep. Terry Garrison
			Grace Raphun		Rep. Grier Martin
Commerce and Job Development	1228/1327	10:00 AM	Cullen Allen		Rep. Speaker Tim Moore
			Chandler Dozier		Rep. Allen McNeill
			Margaret Johnston		Rep. Allen McNeill
			Martha Johnston		Rep. Allen McNeill
Education - Universities	423	10:00 AM	Alex Bradley		Rep. John Torbett
			Ezekiel Goldstein		Rep. Susan Fisher
			Joshua Millspaw		Rep. Dana Bumgardner
			Maya Nair		Rep. Gale Adcock



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

S

1

**SENATE BILL 315**

Short Title:   Implement UNC Undergrad Completion Plan. (Public)

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Sponsors:     Senators Barefoot, Curtis, Tarte (Primary Sponsors); and Krawiec.

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Referred to:   Rules and Operations of the Senate

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March 20, 2017

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA TO IMPLEMENT THE  
3 UNDERGRADUATE DEGREE COMPLETION IMPROVEMENT PLAN.  
4 The General Assembly of North Carolina enacts:  
5           **SECTION 1.** The President of The University of North Carolina shall implement  
6 the University of North Carolina Undergraduate Degree Completion Improvement Plan,  
7 developed in accordance with Section 11.7 of S.L. 2015-241, as amended by Section 11.2 of  
8 S.L. 2016-94, and presented to the General Assembly on December 31, 2016, effective  
9 beginning with the 2017-2018 academic year. .  
10           **SECTION 2.** This act is effective when it becomes law.





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

D

SENATE BILL 315  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S315-CSRQ-11 [v.1]

06/14/2017 10:52:23 AM

Short Title: Make Various Changes Regarding Higher Ed.

(Public)

Sponsors:

Referred to:

March 20, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA TO IMPLEMENT THE  
3 UNDERGRADUATE DEGREE COMPLETION IMPROVEMENT PLAN; TO DIRECT  
4 THE STATE BOARD OF COMMUNITY COLLEGES AND THE BOARD OF  
5 GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AND  
6 IMPLEMENT A SYSTEMWIDE ARTICULATION AGREEMENT FOR THE  
7 TRANSFER OF CREDIT FROM A COMMUNITY COLLEGE EARLY CHILDHOOD  
8 EDUCATION PROGRAM TO A UNIVERSITY OF NORTH CAROLINA  
9 CONSTITUENT INSTITUTION; TO DIRECT THE PRESIDENT, OR THE  
10 PRESIDENT'S DESIGNEE, AND THE BOARD OF GOVERNORS OF THE  
11 UNIVERSITY OF NORTH CAROLINA TO CONSIDER AND EVALUATE THE  
12 FEASIBILITY OF APPLYING FOR AND IMPLEMENTING THE UTEACH  
13 PROGRAM AS PART OF THE CURRICULA OFFERED BY THE UNIVERSITY OF  
14 ~~NORTH CAROLINA SYSTEM; TO AUTHORIZE THE BOARD OF GOVERNORS OF~~  
15 THE UNIVERSITY OF NORTH CAROLINA TO SET THE EXPENDITURE  
16 BENCHMARK FOR THE PRESIDENT OF THE UNIVERSITY OF NORTH  
17 CAROLINA AT AN AMOUNT CONSISTENT WITH THE MAXIMUM BENCHMARK  
18 SET FOR CONSTITUENT INSTITUTIONS; AND TO CHANGE THE DATE BY  
19 WHICH THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH  
20 CAROLINA SHALL BEGIN REPORTING ANNUALLY THE NUMBER OF  
21 STUDENTS WHO GRADUATED FROM EARLY COLLEGE HIGH SCHOOL AND  
22 APPLIED FOR ADMISSION TO A CONSTITUENT INSTITUTION.

23  
24 The General Assembly of North Carolina enacts:

25  
26 **PART I: UNDERGRADUATE DEGREE COMPLETION**

27  
28 **SECTION 1.(a)** The President of The University of North Carolina shall  
29 implement the University of North Carolina Undergraduate Degree Completion Improvement  
30 Plan, developed in accordance with Section 11.7 of S.L. 2015-241, as amended by Section 11.2  
31 of S.L. 2016-94, and presented to the General Assembly on December 31, 2016, effective  
32 beginning with the 2017-2018 academic year.

33 **SECTION 1.(b)** This section is effective when it becomes law.  
34

35 **PART II: EARLY EDUCATION ARTICULATION AGREEMENT**  
36



**SECTION 2.(a)** By March 1, 2018, the Board of Governors of The University of North Carolina and the State Board of Community Colleges shall develop an articulation agreement for the transfer of credits earned for an associate degree in an early childhood education program at a community college toward a baccalaureate degree in an early childhood education program at a constituent institution for the purposes of the student obtaining teacher licensure in the area of Birth through Kindergarten. The articulation agreement shall apply to all community college campuses and constituent institutions with early childhood education programs. The articulation agreement may include that the community college student transferring credit and enrolling in the constituent institution has a minimum grade point average and a minimum Praxis I score.

**SECTION 2.(b)** By April 15, 2018, the Board of Governors of The University of North Carolina and the State Board of Community Colleges shall report to the Joint Legislative Education Oversight Committee on the development of the articulation agreement and the plan for implementation of the articulation agreement at all community college campuses and constituent institutions with early childhood education programs. The systemwide articulation agreement for early childhood education programs entered into between The University of North Carolina and the Community College System shall apply beginning with the 2018-2019 academic year.

**SECTION 2.(c)** This section is effective when it becomes law.

### **PART III: UNC/UTEACH PROGRAM**

**SECTION 3.(a)** The President, or the President's designee, and the Board of Governors of The University of North Carolina shall jointly consider and evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by The University of North Carolina System.

UTEACH is a model program originally developed by the University of Texas at Austin. It is designed as a secondary STEM (science, technology, engineering, and mathematics) teacher preparation program with the goal of attracting high-caliber students, experienced and successful master teachers, and tenure-track faculty who are interested in STEM education. The UTEACH program is a course of study that combines the requirements for rigorous STEM degrees and for secondary teaching certification without adding time or cost to four-year degrees.

**SECTION 3.(b)** In their evaluation of the UTEACH program, the President, or the President's designee, and the Board of Governors may consider the following:

- (1) How the UTEACH program would match up with the curricula currently offered through The University of North Carolina System and what adjustments, if any, would be required for implementation of the UTEACH program.
- (2) Which constituent institutions and which departments and programs at those institutions would participate and collaborate in the UTEACH program if it was implemented.
- (3) The application process and time frame required to develop a UTEACH program tailored to fit within the curricula of The University of North Carolina System.
- (4) The cost of implementing and maintaining a UTEACH program and the alternatives for financing the program.
- (5) Any statutory amendments or other legislative action that would be needed for the implementation of a UTEACH program.
- (6) Any other issues the President, or the President's designee, and the Board of Governors deem relevant in their evaluation of the UTEACH program.



**SECTION 3.(c)** The President, or the President's designee, and the Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee by April 1, 2018, their findings and recommendations regarding the feasibility of applying for and implementing the UTEACH program as part of the curricula offered through The University of North Carolina System.

**SECTION 3.(d)** This section is effective when it becomes law.

#### **PART IV: UNC EXPENDITURE BENCHMARKS**

**SECTION 4.(a)** G.S. 116-31.10 reads as rewritten:

**"§ 116-31.10. Powers of Board regarding certain purchasing contracts.**

(a) Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for the President of The University of North Carolina or a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than five hundred thousand dollars (\$500,000). The Board shall set the benchmark for the President and each institution from time to time. In setting an institution's the benchmark for the President or an institution in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports of the President's administrative staff or the institution. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark.

(b) ~~Each~~ If the President or a constituent institution ~~with has~~ an expenditure benchmark greater than ~~two hundred fifty thousand dollars (\$250,000)~~ two hundred fifty thousand dollars (\$250,000), the President or constituent institution shall comply with this subsection for any purchase greater than the President's or institution's benchmark set by the Board but not greater than five hundred thousand dollars (\$500,000). ~~This~~ The President or institution shall submit to the Division of Purchase and Contract for that Division's approval or other action deemed necessary by the Division a copy of all offers received and the President's or institution's recommendation of award or other action. Notice of the Division's decision shall be sent to that the President or the institution. The President or institution shall then proceed with the award of contract or other action recommended by the Division."

**SECTION 4.(b)** G.S. 143-53.1 reads as rewritten:

**"§ 143-53.1. Setting of benchmarks; increase by Secretary.**

(a) On and after July 1, 2014, the procedures prescribed by G.S. 143-52 with respect to competitive bids and the bid value benchmark authorized by G.S. 143-53(a)(2) with respect to rule making by the Secretary of Administration for competitive bidding shall promote compliance with the principles of procurement efficiency, transparency, and fair competition to obtain the State's business. For the President of The University of North Carolina or a special responsibility constituent institution of The University of North Carolina, the benchmark prescribed in this section is as provided in G.S. 116-31.10. For community colleges, the benchmark prescribed in this section is as provided in G.S. 115D-58.14.

...."

**SECTION 4.(c)** This section is effective when it becomes law.

#### **PART V: REPORTING DATE CHANGE**

**SECTION 5.(a)** Section 11.16 of S.L. 2015-241 reads as rewritten:

**"EARLY COLLEGE GRADUATES/UNC ADMISSION POLICY**

...

**"SECTION 11.16.(b)** Beginning ~~March 1, 2017,~~ September 30, 2017, the Board of Governors shall report annually to the Joint Legislative Education Oversight Committee

1 regarding the number of students who graduated from a cooperative innovative high school  
2 program with an associate degree and which option was chosen by those students when  
3 applying for admission to a constituent institution.

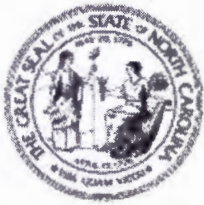
4 ...."

5 **SECTION 5.(b)** This section is effective when it becomes law.

6  
7 **PART VI: EFFECTIVE DATE**

8  
9 **SECTION 6.** This act is effective when it becomes law.





## SENATE BILL 315: Make Various Changes Regarding Higher Ed.

2017-2018 General Assembly

**Committee:** House Education - Universities  
**Introduced by:** Sens. Barefoot, Curtis, Tarte  
**Analysis of:** PCS to First Edition  
S315-CSRQ-11

**Date:** June 15, 2017  
**Prepared by:** Drupti Chauhan\*  
Committee Counsel

**OVERVIEW:** *Senate Bill 315 directs the President of The University of North Carolina to implement The University of North Carolina Undergraduate Degree Completion Improvement Plan.*

*The Proposed Committee Substitute would also:*

- *Require development of an articulation agreement between The University of North Carolina and the Community College System in early childhood education programs.*
- *Direct the President of The University of North Carolina, or the President's designee, and the Board of Governors of The University of North Carolina to consider and evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by The University of North Carolina system.*
- *Allow the Board of Governors of The University of North Carolina to set the expenditure benchmark for certain purchasing contracts for the President of The University of North Carolina to be the same as the maximum allowed for the constituent institutions.*
- *Change a reporting date for data on graduates of cooperative innovative high schools.*

### **PART I: UNDERGRADUATE DEGREE COMPLETION**

**ANALYSIS:** The Proposed Committee Substitute for Senate Bill 315 directs the President of The University of North Carolina (President) to implement The University of North Carolina Undergraduate Degree Completion Improvement Plan that was submitted to the General Assembly in December, 2016. The Plan would be implemented beginning with the 2017-2018 academic year.

A copy of the report can be found at:

<http://www.ncleg.net/documents/sites/committees/JLEOC/Reports%20Received/2017%20Reports%20Received/Modify%20NCGAP-Improve%20Student%20Degree%20Completion%20Rates.pdf>

**EFFECTIVE DATE:** This section would become effective when it becomes law.

**BACKGROUND:** In 2015, the General Assembly directed the Board of Governors of The University of North Carolina (BOG) and the State Board of Community Colleges (SBCC) to study and evaluate how a deferred admissions program, the North Carolina Guaranteed Admission Program (NC GAP), could improve graduation rates at the constituent institutions of The University of North Carolina and provide students with a college education at significantly lower costs for the students and the State. NC GAP would require students who satisfy the admissions criteria of a constituent institution but whose academic credentials are not as competitive as other admitted students, to first enroll in a community college and earn an associate's degree before enrolling in the constituent institution. Each constituent

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate PCS 315

Page 2

institution was to design a deferred admission program as a part of NC GAP for implementation at that institution beginning with the admissions process for the 2017-2018 academic year.

In 2016, the General Assembly made some revisions to its 2015 provision and directed the President, in consultation with the BOG, to adopt a plan to improve student completion of baccalaureate degrees that include specific targets for each constituent institution's completion rates. The plan could allow for a variety of strategies designed to best meet the needs of the individual constituent institutions including redesigned courses, early alert systems, and tutoring. This resulted in The University of North Carolina Undergraduate Degree Completion Improvement Plan which is to be implemented by this bill. Any constituent institution that does not implement the requirements of the Plan would have to implement NC GAP and a deferred admissions program.

## **PART II: EARLY EDUCATION ARTICULATION AGREEMENT**

**ANALYSIS:** By March 1, 2018, the BOG and the SBCC would be required to develop an articulation agreement for transfer of credits earned for an early childhood education program associate degree toward an early childhood education program baccalaureate degree. The articulation agreement would apply to all community college campuses and constituent institutions with early childhood education programs, and could include requirements for minimum grade point averages and minimum Praxis I scores for transferring students.

By April 15, 2018, the BOG and SBCC would be required to report to the Joint Legislative Education Oversight Committee on the development of the systemwide articulation agreement and plan for implementation. The systemwide articulation agreement would apply beginning with the 2018-2019 academic year.

**EFFECTIVE DATE:** This section would become effective when it becomes law.

## **PART III: UNC/UTEACH PROGRAM**

**ANALYSIS:** The President, or the President's designee, and the BOG would be directed to consider and evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by The University of North Carolina system. UTEACH is a model program originally developed by the University of Texas at Austin that allows students to obtain the necessary requirements for a secondary teaching license at the same time as earning a science, technology, engineering, and mathematics (STEM) degree.

The President and BOG must consider a detailed list of factors in their evaluation, such as potential cost and which institutions would participate. A report of their findings and recommendations would be required to be submitted to the Joint Legislative Education Oversight Committee by April 1, 2018.

**EFFECTIVE DATE:** This section would be effective when it becomes law.

## **PART IV: UNC EXPENDITURE BENCHMARKS**

**CURRENT LAW:** The BOG has the authority to set the expenditure benchmark for special responsibility constituent institutions at an amount no greater than \$500,000 for certain purchasing contracts so they do not have to be purchased through the State Purchasing Office. The BOG also has the authority to set the benchmark at different amounts for the different constituent institutions. In setting the benchmarks, the BOG must consider the institution's overall capacity including staff resources, purchasing compliance reviews, and audit reports. For those constituent institutions with expenditure benchmarks of greater than \$250,000, they must submit to the Division of Purchase and Contract for approval a copy of all offers received and the institution's recommendation of action. Notice of the

# Senate PCS 315

Page 3

Division's decision is sent back to the constituent institution with the institution proceeding with the action recommended by the Division.

**ANALYSIS:** The BOG would be allowed to set the expenditure benchmark for the President at an amount no greater than \$500,000. The BOG would be able to change the benchmark from time to time and must consider the capacity of the President including staff resources, purchasing compliance reviews, and audit reports. If the President is given an expenditure benchmark of greater than \$250,000, then the President must follow the same requirements as those followed by the constituent institutions currently with that authority including submitting offers to the Division of Purchase and Contract.

**EFFECTIVE DATE:** This section would become effective when it becomes law.

## **PART V: REPORTING DATE CHANGE**

**CURRENT LAW:** The 2015 Appropriations Act directed the BOG to report annually beginning March 1, 2017 to the Joint Legislative Education Oversight Committee on the numbers of students who graduated from a cooperative innovative high school program with an associate degree and whether the students applied as freshmen or transfer students.

**ANALYSIS:** the annual reporting date of this report would be changed to September 30 beginning with September 30, 2017.

**EFFECTIVE DATE:** This section would become effective when it becomes law.

*\*Kara McCraw and Brian Gwyn, Committee Counsel, significantly contributed to this summary.*







**House Committee on Education - Universities**  
**Tuesday, June 5, 2018 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

**Sergeant of Arms**

1. **Warren Hawkins**
2. **Joe Crook**
3. **Russell Salisbury**
4. **David Leighton**





**House Committee on Education - Universities  
Tuesday, June 5, 2018 at 1:00 PM  
Room 1228/1327 of the Legislative Building**

**MINUTES**

The House Committee on Education - Universities met at 1:00 PM on Tuesday, June 5, 2018 in Room 1228/1327 of the Legislative Building. Representatives Jordan, Fraley, Bell, Carney, Davis, Elmore, Hastings, Insko, Lambeth, Michaux, Moore, Murphy and B. Turner attended. Drupti Chauhan, Kara McCraw, Brian Gwyn, Samantha Yarborough (Legislative Analysis), along with Emma King and Carol Wakely (Committee Clerk) were in attendance. A Visitor Registration list is attached and made part of these minutes. (Attachment 1)

Representative Jordan, Chair, presided. The chair called the meeting to order at 1:00 PM. He introduced the Sergeants at Arms. (Attachment 2) and the House Pages (Attachment 3). The following bills were considered:

*House Bill 982, Proposed Committee Substitute (PCS), and a bill summary are provided (Attachments 4, 5, and 6).*

**HOUSE BILL 982: IDD DATA SHARING/LONGITUDINAL DATA SYSTEM**

Chairman Jordan recognized Rep. Bell to make the motion to have the PCS come before the committee. Without objection the motion carried.

Chairman Jordan recognized Rep. Bradford to explain the bill.

House Bill 982 would create a task force to study the collection and use of data on education and employment outcomes for individuals with intellectual and developmental disabilities ("IDD") through the North Carolina Longitudinal Data System ("Data System"). The bill is a recommendation from the Legislative Research Commission Committee on Intellectual and Developmental Disabilities. The PCS would add the consideration of measurability assessments under Chapter 143E of the General Statutes to the task force's scope.

Chairman Jordan recognized Rep. Insko to ask if there was an appropriations component to this bill. Rep. Bradford responded that there was not an appropriations component.

Chairman Jordan recognized Rep. Bell to make a motion for a favorable report to the PCS, unfavorable to the original bill. With no objection the motion carried.

*Senate Bill 462, PCS, and a bill summary are provided (Attachments 7, 8, and 9).*





**House Committee on Education - Universities**  
**Tuesday, June 5, 2018 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

**HOUSE BILL 462: UNC/UTEACH PROGRAM**

Chairman Jordan recognized Rep. Fraley to explain the bill.

Senate Bill 462 would direct the President and the Board of Governors of The University of North Carolina to evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by institutions of higher education in The University of North Carolina. The PCS for Senate Bill 462 would remove the contents of the 1st edition of the bill entirely and instead would change the name of The University of North Carolina General Administration to The University of North Carolina System Office throughout the General Statutes.

Chairman Jordan opened up the floor for questions from the committee.

Rep. Michaux asked how this system change got to this point.

Chairman Jordan recognized Drew Moretz, Vice President of State Government Relations of the UNC System Office, to respond that the UNC System Office had a system campaign to change their name, and therefore this change needs to be reflected in General Statutes.

Rep. Insko asked if this request came from the Universities. Rep. Fraley responded yes, this request came from the Universities.

Rep. Carney asked how stationary and supplies with the new name would be funded. Drupti Chauhan, Legislative Analysis, responded that this stationary would be updated as needed with money from the University's funds. Mr. Moretz also informed the committee that most of this supplies has already been updated, so it was not a concern.

Chairman Jordan recognized Rep. Fraley to make a motion for a favorable report of the PCS, unfavorable to the original bill. The motion carried.







**House Committee on Education - Universities**  
**Tuesday, June 5, 2018 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

Chairman Jordan recognized Rep. Fraley to make a motion unfavorable to the original bill, favorable to the PCS. The motion carried.

There being no further business, Chairman Jordan adjourned the meeting at 1:12 PM.

---

Representative Jordan  
Presiding

---

Emma King, Committee Clerk





**House Committee on Education - Universities**  
**Tuesday, June 5, 2018 at 1:00 PM**  
**Room 1228/1327 of the Legislative Building**

Attachments

1. Visitor Registration
2. Sergeants at Arms
3. House Pages
4. H982
5. H982 PCS
6. H982 PCS Bill Summary
7. S462
8. S462 PCS
9. S462 PCS Bill Summary



## VISITOR REGISTRATION SHEET

## Education - Universities

Name of Committee

6/5/2018

Date \_\_\_\_\_

## Attachment 1

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

[illegible]

.





## VISITOR REGISTRATION SHEET

## Education -Universities

Name of Committee

6/5/2018.

Date \_\_\_\_\_



VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME \_\_\_\_\_

FIRM OR AGENCY AND ADDRESS

Sue Ann Forrest

News



LT McCrimmon

DHS



## VISITOR REGISTRATION SHEET

Education -Universities

6/5/2018

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lisa Small-Wells	Gigi's Playhouse
Jeanne Hoffman	Gigi's Playhouse Raleigh
LUCIA ROMANO	GIGI'S playhouse
Michelle Reitter	Anna's Angels + Gigi's Playhouse Raleigh
Suzanne Henning	Gigi's Playhouse
Kim Eberman	Gigi's Playhouse
Paul Kocher	" "
J Deha	" "
Kim Evans	Dept. of Public Instruction
Andrew Siroky	DPI
Theresa Coogan	DPI



## VISITOR REGISTRATION SHEET

Education - Universities

6/5/2018

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ellie Czekowski

TDSN

Megan Czekowski

TDSN

Kevin Iannucci

TDSN

Anne Iannucci

TDSN

Paula Day

TDSN

Denise Lloyd

GIGI'S

Rachel &amp; Kendall Geer

Gigi's Playhouse Raleigh

Rose Wimblerley

TDSN / Gigi's Playhouse

Rosemary Campbell

Gigi's Playhouse

Adam Pridemec

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Jon Post

NCTC

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Committee Sergeants at ArmsNAME OF COMMITTEE Education and UniversitiesDATE: 6/5/2018 Room: 1228/1337House Sgt-At Arms:

1. Name: Warren Hawkins
2. Name: Joe Crook
3. Name: Russell Salisbury
4. Name: David Leighton
5. Name: \_\_\_\_\_

Senate Sgt-At Arms:

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_
4. Name: \_\_\_\_\_
5. Name: \_\_\_\_\_





**House Pages  
Assignments  
Tuesday, June 05, 2018  
Session: 10:00 AM**

<b>Committee</b>	<b>Room</b>	<b>Time</b>	<b>Staff</b>	<b>Comments</b>	<b>Member</b>
Education - Universities	1228/1327	1:00 PM	Miller Andrews		Speaker Tim Moore
			Richard Asbill		Rep. John Autry
			Payton Martin		Rep. Julia C. Howard
			Emerson Replogle		Rep. Grier Martin
Education - K-12	643	2:00 PM	Alexa Gomez		Speaker Tim Moore
			Zoe Nichols		Rep. Darren G. Jackson
			Leila Samiy		Speaker Tim Moore
			Amber Ward		Rep. James L. Boles, Jr.
Transportation	643	3:00 PM	Anthony Burnette		Speaker Tim Moore
			Imari Simmons		Rep. Michael Speciale
			Christian Terrell		Rep. Rosa U. Gill
			Bray Woodard		Rep. Ken Goodman

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**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017**

**H**

**HOUSE BILL 982  
Committee Substitute Favorable 5/30/18**

Short Title:   IDD Data Sharing/Longitudinal Data System.

(Publi

Sponsors:

Referred to:

May 23, 2018

Attachment 4

A BILL TO BE ENTITLED  
AN ACT TO DIRECT THE GOVERNMENT DATA ANALYTICS CENTER TO ESTABLISH  
A TASK FORCE TO STUDY THE COLLECTION AND USE OF DATA ON  
EDUCATION AND EMPLOYMENT OUTCOMES FOR INDIVIDUALS WITH  
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THROUGH THE NORTH  
CAROLINA LONGITUDINAL DATA SYSTEM, AS RECOMMENDED BY THE  
LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND  
DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Government Data Analytics Center (GDAC) shall establish a task force to study the collection and use of data among State agencies and stakeholders to evaluate education and employment programs and services for individuals with intellectual and developmental disabilities as part of the North Carolina Longitudinal Data System (System), established pursuant to Chapter 116E of the General Statutes. The task force shall include representatives from at least the following State agencies and stakeholders:

- (1) The Department of Health and Human Services.
- (2) The Department of Public Instruction.
- (3) The North Carolina Community College System.
- (4) The University of North Carolina.
- (5) Local school administrative units and charter schools.
- (6) North Carolina Independent Colleges and Universities.
- (7) The Department of Commerce.
- (8) The Department of Labor.
- (9) The Department of Revenue.
- (10) The North Carolina Postsecondary Education Alliance.
- (11) Community organizations serving individuals with intellectual and developmental disabilities.

**SECTION 2.** The task force shall study issues related to collecting and sharing individual-level data among agencies through the System, including the Common Follow-Up System and NC SchoolWorks (P-20W), for the purpose of evaluating and reporting whether federal and State-supported education and employment programs and services for individuals with intellectual and developmental disabilities are effective in providing education and employment opportunities resulting in positive outcomes for those individuals. In doing so, the task force shall consider at least the following:

- (1) Establishing uniform definitions of disability and requiring specificity by type of disability to be used in the collection of data among agencies.





- (2) Conducting an inventory of the unique individual identifiers used within each agency and determining whether any identifiers need to be added to facilitate the sharing of data.
- (3) Identifying common performance measures and establishing key indicators, such as enrollment in postsecondary education or training, attainment of a postsecondary degree or credential, employment status and earnings, and poverty and receipt of public assistance.
- (4) Establishing a uniform length of time in which individuals are tracked that is sufficient to evaluate long-term outcomes.
- (5) Developing interagency data sharing agreements to facilitate the evaluation of data and reporting of outcomes.
- (6) Identifying any limitations to sharing data through the System for the purpose of evaluating programs and services, including ensuring compliance with State and federal privacy laws, such as the Family Educational Rights and Privacy Act, the Internal Revenue Code, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The task force shall propose best practices for maximizing data sharing and the evaluation and reporting of data using the System within the parameters of State and federal privacy laws.
- (7) Developing strategies to facilitate data sharing, evaluation, and reporting of outcomes of programs and services when the System cannot be utilized under certain circumstances, such as with small population sample sizes.

**SECTION 3.** By October 1, 2018, GDAC shall report to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on the results of the study required by this act and any legislative recommendations from the task force.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

HOUSE BILL 982  
Committee Substitute Favorable 5/30/18  
PROPOSED COMMITTEE SUBSTITUTE H982-CSBE-33 [v.4]

06/04/2018 07:23:55 PM

Short Title: IDD Data Sharing/Longitudinal Data System.

(Pub

Sponsors:

Referred to:

Attachment 5

May 23, 2018

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE GOVERNMENT DATA ANALYTICS CENTER TO ESTABLISH  
A TASK FORCE TO STUDY THE COLLECTION AND USE OF DATA ON  
EDUCATION AND EMPLOYMENT OUTCOMES FOR INDIVIDUALS WITH  
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THROUGH THE NORTH  
CAROLINA LONGITUDINAL DATA SYSTEM, AS RECOMMENDED BY THE  
LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND  
DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Government Data Analytics Center (GDAC) shall establish a task force to study the collection and use of data among State agencies and stakeholders to evaluate education and employment programs and services for individuals with intellectual and developmental disabilities as part of the North Carolina Longitudinal Data System (System), established pursuant to Chapter 116E of the General Statutes. The task force shall include representatives from at least the following State agencies and stakeholders:

- (1) The Department of Health and Human Services.
- (2) The Department of Public Instruction.
- (3) The North Carolina Community College System.
- (4) The University of North Carolina.
- (5) Local school administrative units and charter schools.
- (6) North Carolina Independent Colleges and Universities.
- (7) The Department of Commerce.
- (8) The Department of Labor.
- (9) The Department of Revenue.
- (10) The North Carolina Postsecondary Education Alliance.
- (11) Community organizations serving individuals with intellectual and developmental disabilities.

**SECTION 2.** The task force shall study issues related to collecting and sharing individual-level data among agencies through the System, including the Common Follow-Up System and NC SchoolWorks (P-20W), for the purpose of evaluating and reporting whether federal and State-supported education and employment programs and services for individuals with intellectual and developmental disabilities are effective in providing education and employment opportunities resulting in positive outcomes for those individuals. In doing so, the task force shall consider at least the following:



\* H 9 8 2 - C S B E - 3 3 \*

- (1) Establishing uniform definitions of disability and requiring specificity by type of disability to be used in the collection of data among agencies.
- (2) Conducting an inventory of the unique individual identifiers used within each agency and determining whether any identifiers need to be added to facilitate the sharing of data.
- (3) Identifying common performance measures and establishing key indicators, such as enrollment in postsecondary education or training, attainment of a postsecondary degree or credential, employment status and earnings, and poverty and receipt of public assistance.
- (4) Establishing a uniform length of time in which individuals are tracked that is sufficient to evaluate long-term outcomes.
- (5) Developing interagency data sharing agreements to facilitate the evaluation of data and reporting of outcomes.
- (6) Identifying any limitations to sharing data through the System for the purpose of evaluating programs and services, including ensuring compliance with State and federal privacy laws, such as the Family Educational Rights and Privacy Act, the Internal Revenue Code, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The task force shall propose best practices for maximizing data sharing and the evaluation and reporting of data using the System within the parameters of State and federal privacy laws.
- (7) Developing strategies to facilitate data sharing, evaluation, and reporting of outcomes of programs and services when the System cannot be utilized under certain circumstances, such as with small population sample sizes.
- (8) Recommending that the General Assembly require measurability assessments done in accordance with Chapter 143E of the General Statutes for any proposed or existing program relating to education and employment outcomes for individuals with intellectual and developmental disabilities.

**SECTION 3.** By October 1, 2018, GDAC shall report to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on the results of the study required by this act and any legislative recommendations from the task force.

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



# HOUSE BILL 982: IDD Data Sharing/Longitudinal Data System.

Attachment 6

2017-2018 General Assembly

<b>Committee:</b>	House Education - Universities	<b>Date:</b>	June 5, 2018
<b>Introduced by:</b>	Reps. Bradford, Dollar, Lambeth, Sauls	<b>Prepared by:</b>	Brian Gwyn*
<b>Analysis of:</b>	PCS to Second Edition H982-CSBE-33		Staff Attorney

**OVERVIEW:** *House Bill 982 would create a task force to study the collection and use of data on education and employment outcomes for individuals with intellectual and developmental disabilities ("IDD") through the North Carolina Longitudinal Data System ("Data System"). The bill is a recommendation from the Legislative Research Commission Committee on Intellectual and Developmental Disabilities. The PCS would add the consideration of measurability assessments under Chapter 143E of the General Statutes to the task force's scope.*

## BILL ANALYSIS:

- House Bill 982 would create a task force to study the collection and use of data on education and employment outcomes for individuals with IDD through the Data System.
- The task force would include representatives from: the Department of Health and Human Services, the Department of Public Instruction, the North Carolina Community College System, the University of North Carolina, local school administrative units and charter schools, North Carolina Independent Colleges and Universities, the Department of Commerce, the Department of Labor, the Department of Revenue, the North Carolina Postsecondary Education Alliance, and community organizations serving individuals with IDD.
- The task force would be required to consider:
  - Establishing uniform definitions of disability.
  - Conducting an inventory of the unique individual identifiers used within each agency.
  - Identifying common performance measures and establishing key indicators.
  - Establishing a uniform length of time in which individuals are tracked.
  - Developing interagency data sharing agreements.
  - Identifying any limitations to sharing data.
  - Developing strategies for handling situations when the Data System cannot be utilized, including when sample sizes are too small.
  - Recommending use of measurability assessments under Chapter 143E of the General Statutes.

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

**BACKGROUND:** The Legislative Research Commission Committee on Intellectual and Developmental Disabilities presented the finding below in their 2018 report.

"There is a need for coordinated data collection and analysis among and across various State agencies and stakeholders in order to be able to evaluate program effectiveness."

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House PCS 982

Page 2

*\*Jessica Boney, Staff Attorney, substantially contributed to this summary.*



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

SENATE BILL 462

Attachment 7

Short Title: UNC/UTEACH Program. (Publi

Sponsors: Senators Barefoot, Curtis, and Daniel (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 30, 2017

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE PRESIDENT, OR THE PRESIDENT'S DESIGNEE, AND THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO CONSIDER AND EVALUATE THE FEASIBILITY OF APPLYING FOR AND IMPLEMENTING THE UTEACH PROGRAM AS PART OF THE CURRICULA OFFERED BY THE UNIVERSITY OF NORTH CAROLINA SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The President, or the President's designee, and the Board of Governors of The University of North Carolina shall jointly consider and evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by The University of North Carolina System.

UTEACH is a model program originally developed by the University of Texas at Austin. It is designed as a secondary STEM (science, technology, engineering, and mathematics) teacher preparation program with the goal of attracting high-caliber students, experienced and successful master teachers, and tenure-track faculty who are interested in STEM education. The UTEACH program is a course of study that combines the requirements for rigorous STEM degrees and for secondary teaching certification without adding time or cost to four-year degrees.

**SECTION 1.(b)** In their evaluation of the UTEACH program, the President, or the President's designee, and the Board of Governors may consider the following:

- (1) How the UTEACH program would match up with the curricula currently offered through The University of North Carolina System and what adjustments, if any, would be required for implementation of the UTEACH program.
- (2) Which constituent institutions and which departments and programs at those institutions would participate and collaborate in the UTEACH program if it was implemented.
- (3) The application process and time frame required to develop a UTEACH program tailored to fit within the curricula of The University of North Carolina System.
- (4) The cost of implementing and maintaining a UTEACH program and the alternatives for financing the program.
- (5) Any statutory amendments or other legislative action that would be needed for the implementation of a UTEACH program.
- (6) Any other issues the President, or the President's designee, and the Board of Governors deem relevant in their evaluation of the UTEACH program.





1           **SECTION 2.** The President, or the President's designee, and the Board of  
2 Governors of The University of North Carolina shall report to the Joint Legislative Education  
3 Oversight Committee by April 1, 2018, their findings and recommendations regarding the  
4 feasibility of applying for and implementing the UTEACH program as part of the curricula  
5 offered through The University of North Carolina System.

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





GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

S

SENATE BILL 462  
PROPOSED COMMITTEE SUBSTITUTE S462-CSRQ-16 [v.6]

06/01/2018 04:02:01 PM

Short Title: Change Name of UNC General Administration.

(Pub

Attachment 8

Sponsors:

Referred to:

March 30, 2017

A BILL TO BE ENTITLED  
AN ACT TO CHANGE THE NAME OF THE UNIVERSITY OF NORTH CAROLINA  
GENERAL ADMINISTRATION TO THE UNIVERSITY OF NORTH CAROLINA  
SYSTEM OFFICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-17.3 reads as rewritten:

**"§ 116-17.3. Board of Governors monitors certain human resources actions.**

(a) The Board of Governors of The University of North Carolina shall monitor nonlegislative annual employee salary increases in the amount of five percent (5%) or more granted at constituent institutions or within ~~the General Administration~~ The University of North Carolina System Office (i) to employees having annual salaries of one hundred thousand dollars (\$100,000) or greater or (ii) that would result in an annual employee salary of one hundred thousand dollars (\$100,000) or greater. No such salary increase shall become effective unless or until it is reported to the Board by a consultation that includes the justification for the increase or otherwise complies with consultation requirements adopted by the Board.

(b) The Board of Governors of The University of North Carolina shall monitor new personnel positions created at constituent institutions or within ~~the General Administration~~ The University of North Carolina System Office having annual salaries of seventy thousand dollars (\$70,000) or greater. No such new position may be filled unless or until its creation is reported to the Board by a consultation that includes the justification for the new position or otherwise complies with consultation requirements adopted by the Board."

**SECTION 2.** G.S. 116-30.3(a) reads as rewritten:

"(a) Of the General Fund current operations appropriations credit balance remaining at the end of each fiscal year in each of the budget codes listed in this subsection, any amount of the General Fund appropriation for that budget code for that fiscal year (i) may be carried forward to the next fiscal year in that budget code, (ii) is appropriated in that budget code, and (iii) may be used for any of the purposes set out in subsection (f) of this section. However, the amount carried forward in each budget code under this subsection shall not exceed two and one-half percent (2.5%) of the General Fund appropriation in that budget code. The Director of the Budget, under the authority set forth in G.S. 143C-6-2, shall establish the General Fund current operations credit balance remaining in each budget code.

The budget codes that may carry forward a General Fund current operations appropriations credit balance remaining at the end of each fiscal year pursuant to this section are the budget codes for each of the following:

(1) Each special responsibility constituent institution.



- (2) The Area Health Education Centers of the University of North Carolina at Chapel Hill.
- (3) ~~General Administration~~ University of North Carolina System Office Budget Code 16010."

**SECTION 3.** G.S. 116-30.7 reads as rewritten:

**"§ 116-30.7. Biennial projection of enrollment growth for The University of North Carolina.**

By December 15 of each even-numbered year, the ~~General Administration~~ System Office of The University of North Carolina shall provide to the Joint Education Legislative Oversight Committee and to the Office of State Budget and Management a projection of the total student enrollment in The University of North Carolina that is anticipated for the next biennium. The enrollment projection shall be divided into the following categories and shall include the projected growth for each year of the biennium in each category at each of the constituent institutions: undergraduate students, graduate students (students earning master's and doctoral degrees), first professional students, and any other categories deemed appropriate by ~~General Administration~~ The University of North Carolina System Office. The projection shall also distinguish between on-campus and distance education students. The projections shall be considered by the Director of the Budget when determining the amount the Director proposes to appropriate to The University of North Carolina in the Recommended State Budget submitted pursuant to G.S. 143C-3-5(b)."

**SECTION 4.** G.S. 116-31.12-reads as rewritten:

**"§ 116-31.12. Acquisition and disposition of real property by lease.**

Notwithstanding G.S. 143-341(4), and in addition to the powers granted in G.S. 116-198.34(5), the Board of Governors may authorize the constituent institutions and ~~the General Administration~~ The University of North Carolina System Office to acquire or dispose of real property by lease if the lease is for a term of not more than 10 years. The Board of Governors shall establish a policy for acquiring and disposing of an interest in real property for the use of The University of North Carolina and its constituent institutions by lease. This policy may delegate authorization of the acquisition or disposition of real property by lease to the boards of trustees of the constituent institutions or to the President of The University of North Carolina. The Board of Governors shall submit all initial policies adopted pursuant to this section to the State Property Office for review prior to adoption by the Board. Any subsequent changes to these policies adopted by the Board of Governors shall be submitted to the State Property Office for review. Any comments by the State Property Office shall be submitted to the President of The University of North Carolina. After the acquisition or disposition of an interest in real property by lease, The University of North Carolina shall promptly file a report concerning the acquisition or disposition to the Secretary of Administration. Acquisitions and dispositions of an interest in real property by lease pursuant to this section shall not be subject to the provisions of Article 36 of Chapter 143 of the General Statutes or to the provisions of Article 6 or 7 of Chapter 146 of the General Statutes."

**SECTION 5.** G.S. 116-40.22(e) reads as rewritten:

"(e) Electronic Commerce. – The University is authorized to contract with service providers specializing in services offered to institutions of higher learning that offer systems or services under arrangements that provide for the receipt of funds electronically, provided the services are in compliance with the requirements of the payment industry security standards. For any funds collected and remitted to the University that are on deposit with the State Treasurer pursuant to G.S. 147-77, the funds shall be subject to the daily deposit requirements of the statute; provided that the State Treasurer may exempt the applicability of the daily deposit requirement for any standard business process resulting in a delay in the University receiving the funds from a service provider, when the exemption is based upon an acceptable business case that demonstrates an overall efficiency to the University and State. Such business case must first be



1 endorsed by ~~the~~The University of North Carolina ~~General Administration~~ System Office before  
2 submission to the State Treasurer for consideration."

3 **SECTION 6.** G.S. 116-41.31 reads as rewritten:

4 **§ 116-41.31. Oversight of Future Teachers of North Carolina.**

5 (a) FTNC General Administration. – FTNC shall be administratively located in The  
6 University of North Carolina ~~General Administration~~ System Office. The President shall select  
7 three constituent institutions with highly successful schools of education located in the western,  
8 central, and eastern regions of the State, respectively, to collaborate on development of curricula  
9 for FTNC and to provide professional development to high school teachers who will teach FTNC  
10 courses. The three constituent institutions shall also work with other constituent institutions and  
11 other institutions of higher education in the State to seek input in the development of curricula  
12 and professional development for FTNC and to create a network of college faculty to provide  
13 support to high schools offering FTNC courses.

14 (b) FTNC Site Applications. – All high schools in the State are encouraged to offer FTNC  
15 courses to students. A high school shall apply to offer FTNC courses with the geographically  
16 appropriate constituent institution overseeing FTNC and shall ensure that all teachers teaching  
17 FTNC courses have received appropriate training. High schools shall also seek a partner  
18 institution of higher education to provide support from college faculty. High schools participating  
19 in the FTNC program shall report demographic, survey, and other available outcome data to The  
20 University of North Carolina ~~General Administration~~ System Office as necessary for completion  
21 of the FTNC annual report required by G.S. 116-41.32.

22 (c) FTNC Institution of Higher Education Partners. – Constituent institutions that partner  
23 with high schools shall offer dual credit for high school students who successfully complete the  
24 FTNC course with a grade of "B" or higher. Other institutions of higher education that partner  
25 with high schools are encouraged to offer dual credit for high school students who successfully  
26 complete the FTNC course with a grade of "B" or higher. Constituent institutions shall provide  
27 annually to The University of North Carolina ~~General Administration~~ System Office data on  
28 students who have received dual credit for completion of an FTNC course and students who  
29 applied for admission into an educator preparation program at a constituent institution who  
30 indicated in the application for admission that the student completed an FTNC course. Other  
31 institutions of higher education are encouraged to provide annually to The University of North  
32 Carolina ~~General Administration~~ System Office data on students who have received dual credit  
33 for completion of an FTNC course and students who applied for admission into an educator  
34 preparation program at the institution of higher education who indicated in the application for  
35 admission that the student completed an FTNC course."

36 **SECTION 7.** G.S. 116-41.32 reads as rewritten:

37 **"§ 116-41.32. Future Teachers of North Carolina reporting.**

38 The University of North Carolina ~~General Administration~~ System Office shall report  
39 annually, beginning October 15, 2019, on the following:

- 40 (1) Total number and names of local school administrative units with high schools  
41 participating in FTNC, total number and names of high schools offering  
42 FTNC, partner institution of higher education for each high school, and  
43 number of sections of the course being offered at each high school.
- 44 (2) Demographic information of students enrolled in FTNC courses.
- 45 (3) Percentage of students who, after completing the course, reported the  
46 following:
  - 47 a. The student plans to choose teaching as a profession.
  - 48 b. The course was very or somewhat effective in helping the student  
49 formulate a positive perception of the education profession.
  - 50 c. The coursework and activities increased the student's knowledge of the  
51 teaching profession and other careers in education.

d. The field experience helped the student understand the many factors that contribute to effective teaching.

(4) Percentage of students who completed an FTNC course who received dual credit for successful completion of the course, by institution.

(5) Percentage of students who completed an FTNC course who applied for admission into an educator preparation program, by institution.

(6) Number of teachers provided professional development for FTNC.”

**SECTION 8.** G.S. 116-189 reads as rewritten:

As used in this Article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

...

(4) The word "institution" shall mean each of the institutions enumerated in G.S. 116-2, the University of North Carolina Health Care System, and ~~the~~The University of North Carolina General Administration System Office.

....”

**SECTION 9.** G.S. 116-209.62 reads as rewritten:

**“§ 116-209.62. North Carolina Teaching Fellows Program established; administration.**

(a) Program. – There is established the North Carolina Teaching Fellows Program to be administered by the ~~General Administration System Office~~ of The University of North Carolina, in conjunction with the Authority and the Commission. The purpose of the Program is to recruit, prepare, and support students residing in or attending institutions of higher education located in North Carolina for preparation as highly effective STEM or special education teachers in the State's public schools. The Program shall be used to provide a forgivable loan to individuals interested in preparing to teach in the public schools of the State in STEM or special education licensure areas.

(b) Trust Fund. – There is established the North Carolina Teaching Fellows Program Trust Fund to be administered by the Authority, in conjunction with the ~~General Administration System Office~~ of The University of North Carolina. All funds (i) appropriated to, or otherwise received by, the Program for forgivable loans, (ii) received as repayment of forgivable loans, and (iii) earned as interest on these funds shall be placed in the Trust Fund. The purpose of the Trust Fund is to provide financial assistance to qualified students for completion of teacher education and licensure programs to fill STEM or special education licensure areas in the public schools of the State.

....”

**SECTION 10.** G.S. 116-244 reads as rewritten:

**“§ 116-244. Duties of board of directors.**

The Board of Directors of the Arboretum has the following duties and responsibilities:

...

(5) Recommendations to ~~the General Administration~~The University of North Carolina System Office of candidates for Executive Director of the Arboretum;

(6) Recommendations to ~~the General Administration~~The University of North Carolina System Office for necessary termination of the Executive Director or other personnel of the Arboretum;

...

(9) Approval of annual expenditures and budget requests to be submitted to The University of North Carolina ~~General Administration System Office.~~

....”

**SECTION 11.** G.S. 116-291(c) reads as rewritten:



1 “(c) Administration of Fund. – The University of North Carolina ~~General~~  
2 ~~Administration~~System Office shall administer the Cheatham-White Scholarships Fund and the  
3 Cheatham-White Scholarships program.”

4 **SECTION 12.** G.S. 116-294 reads as rewritten:

5 **“§ 116-294. Cheatham-White Scholarships; administration of scholarships.**

6 The University of North Carolina ~~General Administration~~System Office shall administer the  
7 Cheatham-White Scholarships, in consultation and collaboration with North Carolina  
8 Agricultural and Technical State University and North Carolina Central University, pursuant to  
9 policies adopted by the Board of Trustees of both constituent institutions. As part of its  
10 administrative responsibilities, The University of North Carolina ~~General Administration~~System  
11 Office, in consultation and collaboration with North Carolina Agricultural and Technical State  
12 University and North Carolina Central University, shall do all of the following:

13 ....”

14 **SECTION 13.** G.S. 116D-56(b) reads as rewritten:

15 “(b) Board of Governors Reporting Required. – The Board shall report its findings and  
16 recommendations to the Office of State Budget and Management, the Joint Legislative  
17 Commission on Governmental Operations, the State Treasurer, and The University of North  
18 Carolina ~~General Administration~~System Office by April 1 of each year. The report shall be  
19 accompanied by each of the reports provided to the Board pursuant to subsection (c) of this  
20 section.”

21 **SECTION 14.** G.S. 127B-20 reads as rewritten:

22 **“§ 127B-20. Collaboration on research to address health and other problems required;  
23 report by UNC General Administration.**

24 (a) The ~~General Administration~~System Office of The University of North Carolina, in  
25 collaboration with Operation Re-Entry North Carolina at East Carolina University, North  
26 Carolina Translational and Clinical Sciences Institute, other institutions of higher education in  
27 this State, the North Carolina National Guard, and the United States Department of Veterans  
28 Affairs, shall, to the extent available resources allow, collaborate on research to address the  
29 behavioral health problems and challenges facing military personnel, veterans, and their families.

30 ...

31 (d) On July 1, 2012, and annually thereafter, the ~~General Administration~~System Office  
32 of The University of North Carolina shall report its findings to the Joint Legislative Health Care  
33 Oversight Committee and to the House of Representatives and Senate Appropriations  
34 Subcommittees on Health and Human Services.”

35 **SECTION 15.** G.S. 143-48.3(a) reads as rewritten:

36 “(a) The Department of Administration shall develop and maintain electronic or digital  
37 standards for procurement. The Department of Administration shall consult with the Office of  
38 the State Controller, the Department of Information Technology, the Department of State  
39 Auditor, the Department of State Treasurer, The University of North Carolina ~~General~~  
40 ~~Administration~~System Office, the Community Colleges System Office, and the Department of  
41 Public Instruction.”

42 **SECTION 16.** G.S. 143-49(8) reads as rewritten:

43 “(8) To establish and maintain a procurement card program for use by State  
44 agencies, community colleges, and nonexempted constituent institutions of  
45 The University of North Carolina. The Secretary of Administration may adopt  
46 temporary rules for the implementation and operation of the program in  
47 accordance with the payment policies of the State Controller, after  
48 consultation with the Department of Information Technology. These rules  
49 would include the establishment of appropriate order limits that leverage the  
50 cost savings and efficiencies of the procurement card program in conjunction  
51 with the fullest possible use of the North Carolina E-Procurement Service.

Prior to implementing the program, the Secretary shall consult with the State Controller, the UNC ~~General Administration~~System Office, the Community Colleges System Office, the State Auditor, the Department of Public Instruction, a representative chosen by the local school administrative units, and the Department of Information Technology. The Secretary may periodically adjust the order limit authorized in this section after consulting with the State Controller, the UNC ~~General Administration~~System Office the Community Colleges System Office, the Department of Public Instruction, and the Department of Information Technology.”

**SECTION 17.** G.S. 143-64.17M(a) reads as rewritten:

“(a) Energy Savings Analysis Required Prior to Implementation. – Prior to implementing an energy conservation measure pursuant to G.S. 143-64.17L, an energy savings analysis shall be performed to validate the economic assumptions that purportedly support the implementation of the measure. This analysis shall be performed by a third party selected by the constituent institution and shall include an energy consumption analysis to develop a baseline of previous costs of all utilities' energy consumption for the institution on the assumption that the energy conservation measure was not undertaken. The completed analysis shall be submitted to The University of North Carolina ~~General Administration~~System Office and to the State Energy Office.”

**SECTION 18.** 143-170.2(a) reads as rewritten:

“(a) The State Librarian in consultation with the State Auditor shall administer and periodically revise guidelines to be used by all State agencies and community colleges in developing publication procedures manuals for public documents. The initial guidelines developed by the Department of Administration shall be released no later than December 1, 1989 and shall address at least the following elements of publication production for public documents:

- (1) Bibliographic style, substantially in accord with a recognized style manual approved by the State Librarian; provided, however, the Department shall not develop guidelines concerning the design, layout, size or appearance of publications except as otherwise permitted herein;
- (2) Procedures for the notification of the State Library for title changes in serial publications;
- (3) Pricing of documents for resale;
- (4) Use of publication services at State-operated printing facilities;
- (5) Purchase of commercial publication services; and
- (6) The distribution of publications.

The Department of Administration shall submit the initial guidelines to State agencies for review and comment for a period of 60 days; provided, however, that submission to ~~the~~The University of North Carolina ~~General Administration~~System Office shall satisfy this requirement with respect to universities. The Department, in consultation with at least the State Librarian and the State Auditor, shall consider the comments of the State agencies before adopting final guidelines. The Department of Administration shall adopt and release the final guidelines no later than four months after the release of the initial guidelines.”

**SECTION 19.** G.S. 147-54 reads as rewritten:

**“§ 147-54. Printing, distribution and sale of the North Carolina Manual.**

The Secretary of State shall have printed biennially for distribution and sale, two thousand three hundred fifty (2,350) copies of the North Carolina Manual, and shall make distribution to the State agencies, individuals, institutions and others as herein set forth.

**NORTH CAROLINA STATE GOVERNMENT:**

Members of the General Assembly .....	1 ea.
Officers of the General Assembly .....	1 ea.
Offices of the Clerk of each House of the General Assembly .....	1 ea.



1	Legislative Services Officer .....	1
2	Legislative Library .....	6
3	Members of the Council of State .....	2 ea.
4	Appointed Secretaries of Executive Departments.....	2 ea.
5	Personnel of the Department of the Secretary of State .....	1 ea.
6	Bipartisan State Board of Elections and Ethics Enforcement.....	2
7	Divisions of Archives and History, Director.....	1
8	Search Room .....	3
9	Publications Section .....	2
10	State Library .....	10
11	Libraries within State Agencies .....	1 ea.
12	Justices of the North Carolina Supreme Court.....	1 ea.
13	Judges of the North Carolina Court of Appeals.....	1 ea.
14	Judges of the North Carolina Superior Court.....	1 ea.
15	Supreme Court Library .....	12
16	Court of Appeals Library .....	2
17	Clerk of the Supreme Court .....	1
18	Clerk of the Court of Appeals .....	1
19	Reporter of the Supreme Court and Court of Appeals.....	1
20	Administrative Office of the Courts.....	5
21	<b>NORTH CAROLINA EDUCATIONAL INSTITUTIONS:</b>	
22	University of North Carolina System	
23	<del>General Administration Offices</del> <u>The University of North Carolina System Office</u> .....	12
24	Chancellors of the Constituent Institutions .....	1 ea.
25	University of North Carolina – Chapel Hill Library .....	15
26	North Carolina State University Library.....	5
27	East Carolina University Library .....	5
28	North Carolina Central University Library .....	5
29	Appalachian State University Library.....	4
30	University of North Carolina – Charlotte Library.....	4
31	University of North Carolina – Greensboro Library .....	4
32	Western Carolina University Library .....	4
33	Other Constituent Institutions Libraries.....	3 ea.
34	North Carolina School of the Arts, redesignated effective August 1, 2008, as the "University of North Carolina School of the Arts" .....	2
35	University of North Carolina Chapel Hill School of Government .....	2
36	Community Colleges and Technical Institutes .....	2 ea.
37	Private Colleges and Universities	
38	Duke University Library .....	6
39	Wake Forest University.....	6
40	Campbell University Library .....	5
41	Davidson College Library .....	4
42	All other Libraries of Senior and Junior Colleges .....	2 ea.
43	Public and Private Schools containing grades 8-12 .....	1 ea.
44	<b>COUNTY GOVERNMENT:</b>	
45	Clerks of Court.....	1 ea.
46	Registers of Deeds.....	1 ea.
47	Public Libraries of North Carolina.....	1 ea.
48	<b>FEDERAL GOVERNMENT:</b>	
49	President of the United States .....	1
50	North Carolina Members of the Presidential Cabinet .....	1 ea.
51		

1	North Carolina Members of the United States Congress .....	2 ea.
2	Library of Congress.....	3
3	Resident Judges of the Federal Judiciary	
4	and United States Attorneys in North Carolina .....	1 ea.
5	Secretaries of State of the United States	
6	and Territories .....	1 ea.

7 After making the above distribution, the remainder shall be sold at the cost of publication  
8 plus tax and postage and the proceeds from such sales deposited with the State Treasurer for use  
9 by the Publications Division of the Secretary of State's Office to defray the expense of publishing  
10 the North Carolina Manual. Libraries and educational institutions not covered in the above  
11 distribution shall be entitled to a twenty percent (20%) discount on the cost of any purchase(s)."

12 **SECTION 20.** The General Statutes are further amended by substituting the phrase  
13 "University of North Carolina System Office" for the phrase "University of North Carolina  
14 General Administration" wherever that phrase may appear.

15 **SECTION 21.** All statutory and other legal authority, powers, duties, functions,  
16 records, personnel, property, and unexpended balances of appropriations or other funds of The  
17 University of North Carolina General Administration remain those of The University of North  
18 Carolina System Office.

19 **SECTION 22.** Nothing in this act requires the immediate replacement of any  
20 stationary, other supplies, or any emblems or other symbols used by The University of North  
21 Carolina System Office as they existed prior to the enactment of this act. The University of North  
22 Carolina System Office shall use funds within its budget to replace these items, as necessary.

23 **SECTION 23.** This act becomes effective July 1, 2018.  
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## SENATE BILL 462: Change Name of UNC General Administration

Attachment 9

2017-2018 General Assembly

**Committee:** House Education - Universities  
**Introduced by:** Sens. Barefoot, Curtis, Daniel  
**Analysis of:** PCS to First Edition  
S462-CSRQ-16

**Date:** June 5, 2018  
**Prepared by:** Drupti Chauhan  
Committee Couns

**OVERVIEW:** *Senate Bill 462 would direct the President and the Board of Governors of The University of North Carolina to evaluate the feasibility of applying for and implementing the UTEACH program as part of the curricula offered by institutions of higher education in The University of North Carolina.*

*The Proposed Committee Substitute (PCS) for Senate Bill 462 would remove the contents of the 1st edition of the bill entirely and instead would change the name of The University of North Carolina General Administration to The University of North Carolina System Office throughout the General Statutes.*

**CURRENT LAW:** The General Statutes currently refer to the central office of The University North Carolina as "The University of North Carolina General Administration".

**BILL ANALYSIS:** The PCS for Senate Bill 462 would change the name of "The University of North Carolina General Administration" to "The University of North Carolina System Office". This change would be made through the General Statutes. The PCS states that all statutory and legal authority powers, duties, functions, records, personnel, property, and unexpended balances of appropriations or other funds of The University of North Carolina General Administration remain those of The University of North Carolina System Office.

The PCS further states that nothing in the bill requires the immediate replacement of any stationary, other supplies, or any emblems or other symbols used by The University of North Carolina System Office as they existed prior to the enactment of the bill. The University of North Carolina System Office must use funds within its budget to replace these items as necessary.

**EFFECTIVE DATE:** The bill would become effective July 1, 2018.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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

