



SENATE BILL 411: Various Education Changes.

2023-2024 General Assembly

Committee: House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House **Date:** June 21, 2023

Introduced by: Sens. P. Newton, Daniel, Hise **Prepared by:** Drupti Chauhan

Analysis of: PCS to Third Edition **Committee Counsel**
S411-CSRQ-17

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 411 would make various education law changes.*

PART I: MEDICAL CONDITION ACTION PLANS AND MEDICAL EMERGENCY PLANS

CURRENT LAW: Under G.S. 115C-375.1, it is within the scope of duty of teachers and other public school employees authorized by the governing body to (i) administer any drugs or medication prescribed by a doctor upon written parent request, (ii) give emergency health care when delay would worsen the student's condition or endanger his or her life, and (iii) perform any other first aid or lifesaving techniques in which the employee has been trained in a program approved by the SBE. No employee can be required to administer drugs or medication or attend lifesaving techniques programs. Individuals authorized to act are not liable in civil damages for any authorized act or any omission unless the act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.

G.S. 115C-375.2A requires the principal of each public school to designate one or more school personnel to receive training on epinephrine auto-injectors. G.S. 115C-375.3 requires local boards of education and boards of directors of charter schools to follow guidelines adopted by the SBE to for diabetes care plans.

ANALYSIS: This Part would require the SBE to adopt rules establishing the following for use by each public school unit (PSU):

- A medical condition action plan for students at risk for a medical emergency as diagnosed by a doctor. The plan would include (i) a standard medical condition action plan form, (ii) detailed instructions on the form to ensure that all individuals designated by the principal to provide medical care know how to address the emergency, and (iii) information detailing the method by which and by whom any medical emergency will be handled when the student is at an off-campus school-sponsored activity.
- A medical emergency plan with the required response of PSU employees when a student has a medical emergency not otherwise covered by a medical condition action plan.

Each PSU would be required to have at least one employee per school trained in first aid and lifesaving techniques. School administrators may be required to administer drugs or medications and attend lifesaving techniques programs.

The SBE would be authorized to adopt temporary rules to implement these requirements.

This Part would be effective when it becomes law and apply beginning with the 2023-2024 school year.

PART II: ALLOW STUDENTS IN HOME SCHOOLS TO PARTICIPATE IN ADVANCED PLACEMENT EXAMS, THE PRELIMINARY ACT, AND THE PreACT

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CURRENT LAW: G.S. 115C-174.18 requires local school administrative units (LEAs) to provide the opportunity for each student in grades 8-11 who has completed Algebra I to take, at no cost, either the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) or the PLAN precursor to the ACT (PSAT/PLAN).

G.S. 115C-174.26 requires LEAs to provide advanced courses to students that may include courses from any of the following programs: Advanced Placement, International Baccalaureate Diploma Programme, or Cambridge Advanced International Certificate of Education. To the extent funds are available, students enrolled in public schools are exempt from paying fees for enrollment in those courses and fees for administration of any of those advanced course examinations.

Part 3 of Article 39 of the General Statutes authorizes the establishment of home schools to satisfy compulsory attendance requirements.

ANALYSIS: This Part would require LEAs to allow students enrolled in home schools who are domiciled in that LEA to participate in any administration of the PSAT/PreACT or advanced course examinations offered in that LEA, subject to the following:

- Students taking the PSAT/PreACT would have to show that they have completed a course or test showing equivalent competency to passing Algebra I.
- For advanced course examinations, students must meet any requirements to take the advanced course examination established by the organization issuing the examination and the administrator of the home school. A local board of education cannot require the student to have completed a specific advanced course to take the examination.
- The student's parent must be charged the cost of the test by the LEA.
- The student's parent, or other responsible adult designated by the parent, could be required by the LEA to serve as a proctor if the addition of the student would prevent the LEA from meeting the required proctor student ratio for that test examination at that school.

This Part is effective when it becomes law.

PART III: ALLOW PARENT CHOICE IN NURSING SERVICE PROVIDERS REQUIRED BY AN INDIVIDUALIZED EDUCATION PROGRAM

CURRENT LAW: The federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, *et. seq.*, requires schools receiving funds under the act to provide a free appropriate public education (FAPE) to eligible children with disabilities, including necessary special education and related services.

IDEA defines FAPE as special education and related services that meet all of the following:

- Have been provided at public expense, under public supervision and direction, and without charge.
- Meet the standards of the State educational agency.
- Include an appropriate preschool, elementary school, or secondary school education.
- Are provided in conformity with the requirements for an individualized education program (IEP).

An IEP is a written statement for each child with a disability that is developed, reviewed, and revised in accordance with law and includes descriptions of the following:

- The child's present level of performance, goals, and progress monitoring measures.
- The special education and related services and supplementary aids and services to be provided to the child, as well as any other accommodations.
- The extent the child will not participate with nondisabled children in the regular class.
- The timing of the services and modifications.

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Article 9 of Chapter 115C of the General Statutes enables the SBE and local educational agencies to implement the IDEA in this State.

G.S. 115C-111.2 allows local educational agencies to contract with private special education facilities or service providers to provide any of the special education or related services that the public providers are unable to furnish.

BILL ANALYSIS: This Part would require local educational agencies to contract with the parent's choice of nurse if five conditions are met:

- The child's IEP requires nursing services.
- The child received nursing services from the nurse (i) prior to the nursing services being required by the child's IEP or (ii) prior to the child enrolling at his or her current school.
- The parent's choice of nurse is employed by a nursing agency and willing to provide the nursing services required by the child's IEP.
- The nursing agency employing the parent's choice of nurse meets all standard contract terms required for any other nursing agency contracted by the local educational agency, including licensing and liability requirements.
- The contracted rate is equal to or less than the contracted rate of other nurses contracted by the local educational agency.

Nursing services would be defined as services that can only be provided by a nurse. The bill would not limit the local educational agency's responsibility to provide FAPE.

This Part would become effective when it becomes law and apply beginning with the 2023-2024 school year.

PART IV: ALLOW LICENSED REGISTERED NURSES TO BE EMPLOYED AS SCHOOL NURSES

CURRENT LAW: The State Board of Education's (SBE) [Salary Manual](#) requires all school nurses employed since July 1, 1998, to be nationally certified. Public schools can employ non-nationally certified school nurses, so long as they become nationally certified within three years of their hire date.

Nationally certified school nurses are paid on the classroom teacher's master's degree ("M") salary schedule according to their years of experience. Non-nationally certified school nurses are paid on the noncertified nurse salary schedule.

G.S. 115C-315(d1) prohibits school nurses employed in public schools prior to July 1, 1998, from being required to be nationally certified to continue employment. School nurses not certified by the American Nurses' Association or the National Association of School Nurses must be paid based on the noncertified nurse salary range as established by the SBE.

ANALYSIS: This Part would allow licensed registered nurses who have at least two years of experience in a hospital or health clinic to be employed as school nurses without being required to obtain any other certification or license. School nurses not certified by a national organization recognized by the SBE would continue to be paid based on the noncertified nurse salary range. The SBE would be authorized to adopt temporary rules to enact these requirements.

EFFECTIVE DATE: Except as otherwise provide, the bill would become effective when it becomes law.